

1-1 By: Huberty, et al. (Senate Sponsor - Whitmire) H.B. No. 1490
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 20, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 22, 2015, reported favorably by the following vote:
 1-5 Yeas 6, Nays 1; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to public school interventions for truancy and eliminating
 1-18 a criminal penalty and authorizing a civil penalty for truancy.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 45.0216(g), Code of Criminal Procedure,
 1-21 is amended to read as follows:

1-22 (g) This article does not apply to any offense otherwise
 1-23 covered by:

1-24 (1) Chapter 106, Alcoholic Beverage Code; or

1-25 (2) Chapter 161, Health and Safety Code [~~or~~

1-26 [~~(3) Section 25.094, Education Code~~].

1-27 SECTION 2. Articles 45.054(a) and (i), Code of Criminal
 1-28 Procedure, are amended to read as follows:

1-29 (a) On a finding by a county, justice, or municipal court
 1-30 that an individual has engaged in conduct that violates [~~committed~~
 1-31 ~~an offense under~~] Section 25.094, Education Code, the court has
 1-32 jurisdiction to enter an order that includes one or more of the
 1-33 following provisions requiring that:

1-34 (1) the individual:

1-35 (A) attend school without unexcused absences;

1-36 (B) attend a preparatory class for the high
 1-37 school equivalency examination administered under Section 7.111,
 1-38 Education Code, if the court determines that the individual is too
 1-39 old to do well in a formal classroom environment; or

1-40 (C) if the individual is at least 16 years of age,
 1-41 take the high school equivalency examination administered under
 1-42 Section 7.111, Education Code;

1-43 (2) the individual attend a special program that the
 1-44 court determines to be in the best interest of the individual,
 1-45 including:

1-46 (A) an alcohol and drug abuse program;

1-47 (B) a rehabilitation program;

1-48 (C) a counseling program, including
 1-49 self-improvement counseling;

1-50 (D) a program that provides training in
 1-51 self-esteem and leadership;

1-52 (E) a work and job skills training program;

1-53 (F) a program that provides training in
 1-54 parenting, including parental responsibility;

1-55 (G) a program that provides training in manners;

1-56 (H) a program that provides training in violence
 1-57 avoidance;

1-58 (I) a program that provides sensitivity
 1-59 training; and

1-60 (J) a program that provides training in advocacy
 1-61 and mentoring;

2-1 (3) the individual and the individual's parent attend
2-2 a class for students at risk of dropping out of school designed for
2-3 both the individual and the individual's parent;

2-4 (4) the individual complete reasonable community
2-5 service requirements; or

2-6 (5) for the total number of hours ordered by the court,
2-7 the individual participate in a tutorial program covering the
2-8 academic subjects in which the student is enrolled provided by the
2-9 school the individual attends.

2-10 (i) A county, justice, or municipal court shall dismiss the
2-11 complaint against an individual alleging that the individual has
2-12 engaged in conduct that violates [~~committed an offense under~~]
2-13 Section 25.094, Education Code, if:

2-14 (1) the court finds that the individual has
2-15 successfully complied with the conditions imposed on the individual
2-16 by the court under this article; or

2-17 (2) the individual presents to the court proof that
2-18 the individual has obtained a high school diploma or a high school
2-19 equivalency certificate.

2-20 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
2-21 Procedure, is amended by adding Article 45.0541 to read as follows:

2-22 Art. 45.0541. AUTOMATIC EXPUNCTION OF TRUANCY RECORDS. (a)
2-23 In this article, "truancy offense" means an offense committed under
2-24 Section 25.094, Education Code.

2-25 (b) An individual who has been convicted of a truancy
2-26 offense or has had a complaint for a truancy offense dismissed is
2-27 entitled to have the conviction or complaint and records relating
2-28 to the conviction or complaint automatically expunged.

2-29 (c) The court in which the individual was convicted or a
2-30 complaint for a truancy offense was filed shall order the
2-31 conviction, complaints, verdicts, sentences, and other documents
2-32 relating to the offense, including any documents in the possession
2-33 of a school district or law enforcement agency, to be expunged from
2-34 the individual's record. After entry of the order, the individual
2-35 is released from all disabilities resulting from the conviction or
2-36 complaint, and the conviction or complaint may not be shown or made
2-37 known for any purpose. The court shall inform the individual of the
2-38 expunction.

2-39 SECTION 4. Article 102.014(d), Code of Criminal Procedure,
2-40 is amended to read as follows:

2-41 (d) A person convicted of an offense under Section 25.093,
2-42 Education Code, or found to have engaged in conduct that violates
2-43 Section 25.094, Education Code, shall pay as taxable court costs
2-44 \$20 in addition to other taxable court costs. The additional court
2-45 costs under this subsection shall be collected in the same manner
2-46 that other fines and taxable court costs in the case are collected.

2-47 SECTION 5. Sections 25.091(a) and (b), Education Code, are
2-48 amended to read as follows:

2-49 (a) A peace officer serving as an attendance officer has the
2-50 following powers and duties concerning enforcement of compulsory
2-51 school attendance requirements:

2-52 (1) to investigate each case of a violation of
2-53 compulsory school attendance requirements referred to the peace
2-54 officer;

2-55 (2) to enforce compulsory school attendance
2-56 requirements by:

2-57 (A) applying truancy prevention measures and, if
2-58 applicable, progressive truancy interventions adopted under
2-59 Section 25.0915 to the student; and

2-60 (B) if the truancy prevention measures and, if
2-61 applicable, progressive truancy interventions fail to meaningfully
2-62 address the student's conduct:

2-63 (i) referring the student to a juvenile
2-64 court or filing a complaint against the student in a county,
2-65 justice, or municipal court if the student has unexcused absences
2-66 for the amount of time specified under Section 25.094 or under
2-67 Section 51.03(b)(2), Family Code; or

2-68 (ii) filing a complaint in a county,
2-69 justice, or municipal court against a parent who violates Section

3-1 25.093;

3-2 (3) to serve court-ordered legal process;

3-3 (4) to review school attendance records for compliance

3-4 by each student investigated by the officer;

3-5 (5) to maintain an investigative record on each

3-6 compulsory school attendance requirement violation and related

3-7 court action and, at the request of a court, the board of trustees

3-8 of a school district, or the commissioner, to provide a record to

3-9 the individual or entity requesting the record;

3-10 (6) to make a home visit or otherwise contact the

3-11 parent of a student who is in violation of compulsory school

3-12 attendance requirements, except that a peace officer may not enter

3-13 a residence without the permission of the parent of a student

3-14 required under this subchapter to attend school or of the tenant or

3-15 owner of the residence except to lawfully serve court-ordered legal

3-16 process on the parent; and

3-17 (7) to take a student into custody with the permission

3-18 of the student's parent or in obedience to a court-ordered legal

3-19 process.

3-20 (b) An attendance officer employed by a school district who

3-21 is not commissioned as a peace officer has the following powers and

3-22 duties with respect to enforcement of compulsory school attendance

3-23 requirements:

3-24 (1) to investigate each case of a violation of the

3-25 compulsory school attendance requirements referred to the

3-26 attendance officer;

3-27 (2) to enforce compulsory school attendance

3-28 requirements by:

3-29 (A) applying truancy prevention measures and, if

3-30 applicable, progressive truancy interventions adopted under

3-31 Section 25.0915 to the student; and

3-32 (B) if the truancy prevention measures and, if

3-33 applicable, progressive truancy interventions fail to meaningfully

3-34 address the student's conduct:

3-35 (i) referring the student to a juvenile

3-36 court or filing a complaint against the student in a county,

3-37 justice, or municipal court if the student has unexcused absences

3-38 for the amount of time specified under Section 25.094 or under

3-39 Section 51.03(b)(2), Family Code; and

3-40 (ii) filing a complaint in a county,

3-41 justice, or municipal court against a parent who violates Section

3-42 25.093;

3-43 (3) to monitor school attendance compliance by each

3-44 student investigated by the officer;

3-45 (4) to maintain an investigative record on each

3-46 compulsory school attendance requirement violation and related

3-47 court action and, at the request of a court, the board of trustees

3-48 of a school district, or the commissioner, to provide a record to

3-49 the individual or entity requesting the record;

3-50 (5) to make a home visit or otherwise contact the

3-51 parent of a student who is in violation of compulsory school

3-52 attendance requirements, except that the attendance officer may not

3-53 enter a residence without permission of the parent or of the owner

3-54 or tenant of the residence;

3-55 (6) at the request of a parent, to escort a student

3-56 from any location to a school campus to ensure the student's

3-57 compliance with compulsory school attendance requirements; and

3-58 (7) if the attendance officer has or is informed of a

3-59 court-ordered legal process directing that a student be taken into

3-60 custody and the school district employing the officer does not

3-61 employ its own police department, to contact the sheriff,

3-62 constable, or any peace officer to request that the student be taken

3-63 into custody and processed according to the legal process.

3-64 SECTION 6. The heading to Section 25.0915, Education Code,

3-65 is amended to read as follows:

3-66 Sec. 25.0915. TRUANCY PREVENTION MEASURES AND PROGRESSIVE

3-67 TRUANCY INTERVENTIONS; REFERRAL AND FILING REQUIREMENT.

3-68 SECTION 7. Sections 25.0915(a), (b), and (c), Education

3-69 Code, are amended to read as follows:

4-1 (a) A school district shall adopt truancy prevention
 4-2 measures and may adopt progressive truancy interventions for
 4-3 students who violate compulsory attendance requirements that are
 4-4 designed to:

4-5 (1) address student conduct related to truancy in the
 4-6 school setting;

4-7 (2) minimize the need for referrals to juvenile court
 4-8 for conduct described by Section 51.03(b)(2), Family Code; and

4-9 (3) minimize the filing of complaints in county,
 4-10 justice, and municipal courts alleging a violation of Section
 4-11 25.094.

4-12 (b) Each referral to juvenile court for conduct described by
 4-13 Section 51.03(b)(2), Family Code, or complaint filed in county,
 4-14 justice, or municipal court alleging a violation by a student of
 4-15 Section 25.094 must:

4-16 (1) be accompanied by a statement from the student's
 4-17 school certifying that:

4-18 (A) the school applied the truancy prevention
 4-19 measures and, if applicable, the progressive truancy interventions
 4-20 adopted under Subsection (a) to the student; and

4-21 (B) the truancy prevention measures and, if
 4-22 applicable, the progressive truancy interventions failed to
 4-23 meaningfully address the student's school attendance; and

4-24 (2) specify whether the student is eligible for or
 4-25 receives special education services under Subchapter A, Chapter 29.

4-26 (c) A court shall dismiss a complaint or referral made by a
 4-27 school district under this section that is not made in compliance
 4-28 with Subsection (b), does not satisfy the elements required for the
 4-29 offense, is not timely filed, or is otherwise defective. A
 4-30 dismissal under this section must be made before a hearing of the
 4-31 complaint or referral is scheduled and without requiring the
 4-32 presence of the defendant.

4-33 SECTION 8. Subchapter C, Chapter 25, Education Code, is
 4-34 amended by adding Section 25.0917 to read as follows:

4-35 Sec. 25.0917. PROGRESSIVE TRUANCY INTERVENTION SYSTEM. (a)
 4-36 A system of progressive interventions for truancy adopted by a
 4-37 school district under Section 25.0915 must include at least three
 4-38 tiers of interventions.

4-39 (b) A school district may apply the first tier of
 4-40 interventions to a student who has at least three unexcused
 4-41 absences within a school year, and may apply successive tiers of
 4-42 interventions to the student if the student continues to accumulate
 4-43 unexcused absences following the application of the first tier
 4-44 consequences.

4-45 (c) The first tier of progressive truancy interventions
 4-46 must include:

4-47 (1) a conference with the student, the student's
 4-48 parent or guardian, and an employee of the school that the student
 4-49 attends and regularly scheduled follow-up meetings to assess the
 4-50 student's progress; and

4-51 (2) an attendance contract, signed by the attendees of
 4-52 the conference under Subdivision (1), that includes:

4-53 (A) a description of the attendance expectations
 4-54 that the school has for the student;

4-55 (B) the period for which the contract is in
 4-56 effect, not to exceed 45 days following the date the contract is
 4-57 signed; and

4-58 (C) a description of the consequences that may be
 4-59 imposed on the student if the student accumulates additional
 4-60 absences or commits school offenses, which may include additional
 4-61 disciplinary actions or a referral to juvenile court.

4-62 (d) At least one of the tiers of truancy interventions after
 4-63 the first tier must include an individualized assessment of the
 4-64 student by a school employee that:

4-65 (1) identifies the reasons that the student has
 4-66 accumulated unexcused absences;

4-67 (2) refers the student to counseling, if necessary;
 4-68 and

4-69 (3) refers the student to any services, including

5-1 school-sponsored or community-based services, that focus on
 5-2 addressing the student's absences from school.

5-3 (e) The consequences imposed on a student who has
 5-4 accumulated additional unexcused absences following the
 5-5 application of the first tier of progressive truancy intervention
 5-6 consequences may include:

5-7 (1) school-based community service;

5-8 (2) participation in a school-based restorative
 5-9 justice program;

5-10 (3) referral to a school-based teen court;

5-11 (4) weekend courses designed to improve attendance and
 5-12 behavior;

5-13 (5) if the student is eligible for or is receiving
 5-14 special education services under Subchapter A, Chapter 29, from a
 5-15 school district, or is covered by Section 504, Rehabilitation Act
 5-16 of 1973 (29 U.S.C. Section 794), a full reevaluation under Section
 5-17 29.004 or under Section 504 of the Rehabilitation Act of 1973, as
 5-18 appropriate, or an assessment of the student's individualized
 5-19 education program to address the causes of the student's unexcused
 5-20 absences, as necessary; or

5-21 (6) if the student is not receiving special education
 5-22 services from a school district, an initial evaluation for special
 5-23 education services under Section 29.004 or under Section 504,
 5-24 Rehabilitation Act of 1973 (29 U.S.C. Section 794), as appropriate.

5-25 SECTION 9. Section 25.094, Education Code, is amended by
 5-26 amending Subsections (a), (b), (c), (d-1), (f), and (g) and adding
 5-27 Subsections (e-1) and (e-2) to read as follows:

5-28 (a) An individual is liable to the state for a civil penalty
 5-29 not to exceed \$100 [~~commits an offense~~] if the individual:

5-30 (1) is 12 years of age or older and younger than 18
 5-31 years of age;

5-32 (2) is required to attend school under Section 25.085;
 5-33 and

5-34 (3) fails to attend school on 10 or more days or parts
 5-35 of days within a six-month period in the same school year or on
 5-36 three or more days or parts of days within a four-week period.

5-37 (b) An action [~~offense~~] under this section may be brought
 5-38 [~~prosecuted~~] in:

5-39 (1) the constitutional county court of the county in
 5-40 which the individual resides or in which the school is located, if
 5-41 the county has a population of 1.75 million or more;

5-42 (2) a justice court of any precinct in the county in
 5-43 which the individual resides or in which the school is located; or

5-44 (3) a municipal court in the municipality in which the
 5-45 individual resides or in which the school is located.

5-46 (c) On a finding by the county, justice, or municipal court
 5-47 [~~that the individual has committed an offense under Subsection (a)~~
 5-48 ~~or on a finding by a juvenile court in a county with a population of~~
 5-49 ~~less than 100,000]~~ that the individual has engaged in conduct that
 5-50 violates Subsection (a), the court may enter an order that includes
 5-51 one or more of the requirements listed in Article 45.054, Code of
 5-52 Criminal Procedure[, as added by Chapter 1514, Acts of the 77th
 5-53 Legislature, Regular Session, 2001].

5-54 (d-1) Pursuant to an order of the county, justice, or
 5-55 municipal court based on an affidavit showing probable cause to
 5-56 believe that an individual has violated [~~committed an offense~~
 5-57 ~~under~~] this section, a peace officer may issue a citation or
 5-58 take the individual into custody. A peace officer taking an individual
 5-59 into custody under this subsection shall:

5-60 (1) promptly notify the individual's parent, guardian,
 5-61 or custodian of the officer's action and the reason for that action;
 5-62 and

5-63 (2) without unnecessary delay:

5-64 (A) release the individual to the individual's
 5-65 parent, guardian, or custodian or to another responsible adult, if
 5-66 the person promises to bring the individual to the county, justice,
 5-67 or municipal court as requested by the court; or

5-68 (B) bring the individual to a county, justice, or
 5-69 municipal court with venue over the offense.

6-1 (e-1) The imposition of a civil penalty under this section
 6-2 is not a conviction and may not be considered a conviction for any
 6-3 purpose.

6-4 (e-2) The district or county attorney of the county in which
 6-5 the conduct described by this section is alleged to have occurred
 6-6 shall bring an action in a county, justice, or municipal court to
 6-7 collect the civil penalty of a person who is taken into custody or
 6-8 is issued a citation for a violation under this section.

6-9 (f) It is a ~~[an affirmative]~~ defense ~~[to prosecution]~~ under
 6-10 this section that one or more of the absences required to be proven
 6-11 under Subsection (a) were excused by a school official or by the
 6-12 court or that one or more of the absences were involuntary, but only
 6-13 if there is an insufficient number of unexcused or voluntary
 6-14 absences remaining to constitute an offense under this section. The
 6-15 burden is on the respondent ~~[defendant]~~ to show by a preponderance
 6-16 of the evidence that the absence has been excused or that the
 6-17 absence was involuntary. A decision by the court to excuse an
 6-18 absence for purposes of this section does not affect the ability of
 6-19 the school district to determine whether to excuse the absence for
 6-20 another purpose.

6-21 (g) It is a ~~[an affirmative]~~ defense ~~[to prosecution]~~ under
 6-22 this section that one or more of the absences required to be proven
 6-23 under Subsection (a) was involuntary. The burden is on the
 6-24 respondent ~~[defendant]~~ to show by a preponderance of the evidence
 6-25 that the absence was involuntary.

6-26 SECTION 10. Sections 25.095(a) and (c), Education Code, are
 6-27 amended to read as follows:

6-28 (a) A school district or open-enrollment charter school
 6-29 shall notify a student's parent in writing at the beginning of the
 6-30 school year that if the student is absent from school on 10 or more
 6-31 days or parts of days within a six-month period in the same school
 6-32 year or on three or more days or parts of days within a four-week
 6-33 period:

6-34 (1) the student's parent is subject to prosecution
 6-35 under Section 25.093; and

6-36 (2) the student is subject to an action brought
 6-37 ~~[prosecution]~~ under Section 25.094 or to referral to a juvenile
 6-38 court ~~[in a county with a population of less than 100,000]~~ for
 6-39 conduct indicating a need for supervision ~~[that violates that~~
 6-40 ~~section]~~.

6-41 (c) The fact that a parent did not receive a notice under
 6-42 Subsection (a) or (b) does not create a defense to prosecution under
 6-43 Section 25.093, a defense to an action brought under Section ~~[or]~~
 6-44 25.094, or a defense in a disposition hearing on an issue as to
 6-45 whether the child engaged in conduct indicating a need for
 6-46 supervision.

6-47 SECTION 11. Sections 25.0951(a) and (b), Education Code,
 6-48 are amended to read as follows:

6-49 (a) If a student fails to attend school without excuse on 10
 6-50 or more days or parts of days within a six-month period in the same
 6-51 school year, a school district may ~~[shall]~~ within 10 school days of
 6-52 the student's most recent ~~[10th]~~ absence:

6-53 (1) file a complaint against the ~~[student or the]~~
 6-54 student's parent ~~[or both]~~ in a county, justice, or municipal court
 6-55 for an offense under Section 25.093, bring an action in a county,
 6-56 justice, or municipal court for conduct that violates Section ~~[or]~~
 6-57 25.094, [as appropriate,] or refer the student to a juvenile court
 6-58 for a determination as to whether the child engaged in conduct
 6-59 indicating a need for supervision ~~[in a county with a population of~~
 6-60 ~~less than 100,000 for conduct that violates Section 25.094]~~; or

6-61 (2) refer the student to a juvenile court for conduct
 6-62 indicating a need for supervision under Section 51.03(b)(2), Family
 6-63 Code.

6-64 (b) If a student fails to attend school without excuse on
 6-65 three or more days or parts of days within a four-week period but
 6-66 does not fail to attend school for the time described by Subsection
 6-67 (a), the school district may:

6-68 (1) file a complaint against the ~~[student or the]~~
 6-69 student's parent ~~[or both]~~ in a county, justice, or municipal court

7-1 for an offense under Section 25.093, bring an action in a county,
 7-2 justice, or municipal court for conduct that violates Section ~~[or]~~
 7-3 25.094, ~~[as appropriate]~~, or refer the student to a juvenile court
 7-4 for a determination as to whether the child engaged in conduct
 7-5 indicating a need for supervision ~~[in a county with a population of~~
 7-6 ~~less than 100,000 for conduct that violates Section 25.094]~~; or

7-7 (2) refer the student to a juvenile court for conduct
 7-8 indicating a need for supervision under Section 51.03(b)(2), Family
 7-9 Code.

7-10 SECTION 12. Section 51.02(15), Family Code, is amended to
 7-11 read as follows:

7-12 (15) "Status offender" means a child who is accused,
 7-13 adjudicated, or convicted for conduct that would not, under state
 7-14 law, be a crime if committed by an adult, including:

7-15 (A) truancy under Section 51.03(b)(2);

7-16 (B) running away from home under Section
 7-17 51.03(b)(3);

7-18 (C) a fineable only offense under Section
 7-19 51.03(b)(1) transferred to the juvenile court under Section
 7-20 51.08(b), but only if the conduct constituting the offense would
 7-21 not have been criminal if engaged in by an adult;

7-22 (D) ~~[failure to attend school under Section~~
 7-23 ~~25.094, Education Code,~~

7-24 ~~[(E)]~~ a violation of standards of student conduct
 7-25 as described by Section 51.03(b)(5);

7-26 (E) ~~[(F)]~~ a violation of a juvenile curfew
 7-27 ordinance or order;

7-28 (F) ~~[(G)]~~ a violation of a provision of the
 7-29 Alcoholic Beverage Code applicable to minors only; or

7-30 (G) ~~[(H)]~~ a violation of any other fineable only
 7-31 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
 7-32 conduct constituting the offense would not have been criminal if
 7-33 engaged in by an adult.

7-34 SECTION 13. Sections 54.021(b), (c), (d), and (e), Family
 7-35 Code, are amended to read as follows:

7-36 (b) A county, justice, or municipal court may exercise
 7-37 jurisdiction over a person alleged to have engaged in conduct
 7-38 indicating a need for supervision by engaging in conduct described
 7-39 in Section 51.03(b)(2) in a case where:

7-40 (1) the person is 12 years of age or older;

7-41 (2) the juvenile court has waived its original
 7-42 jurisdiction under this section; and

7-43 (3) an action ~~[a complaint]~~ is filed by the
 7-44 appropriate authority in the county, justice, or municipal court
 7-45 for a violation ~~[charging an offense]~~ under Section 25.094,
 7-46 Education Code.

7-47 (c) A proceeding in a county, justice, or municipal court on
 7-48 a complaint charging conduct that violates ~~[an offense under]~~
 7-49 Section 25.094, Education Code, is governed by Chapter 45, Code of
 7-50 Criminal Procedure.

7-51 (d) Notwithstanding any other law, the costs assessed in a
 7-52 case filed in or transferred to a constitutional county court for an
 7-53 offense under Section 25.093, Education Code, or for conduct that
 7-54 violates Section 25.094, Education Code, must be the same as the
 7-55 costs assessed for a case filed in a justice court for an offense
 7-56 under Section 25.093, Education Code, or for conduct that violates
 7-57 Section 25.094, Education Code.

7-58 (e) The proceedings before a constitutional county court
 7-59 related to an offense under Section 25.093, Education Code, or
 7-60 conduct that violates Section 25.094, Education Code, may be
 7-61 recorded in any manner provided by Section 30.00010, Government
 7-62 Code, for recording proceedings in a municipal court of record.

7-63 SECTION 14. Section 54.1955, Government Code, is amended to
 7-64 read as follows:

7-65 Sec. 54.1955. POWERS. (a) Except as limited by an order of
 7-66 the county judge, a magistrate appointed under this subchapter may:

7-67 (1) conduct hearings;

7-68 (2) hear evidence;

7-69 (3) issue summons for the appearance of witnesses;

8-1 (4) examine witnesses;
8-2 (5) swear witnesses for hearings;
8-3 (6) recommend rulings or orders or a judgment in a
8-4 case;
8-5 (7) regulate proceedings in a hearing;
8-6 (8) accept a plea of guilty or nolo contendere in a
8-7 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
8-8 Code, and assess a fine or court costs or order community service in
8-9 satisfaction of a fine or costs in accordance with Article 45.049,
8-10 Code of Criminal Procedure;
8-11 (9) enter an order suspending a sentence or deferring
8-12 a final disposition that includes at least one of the requirements
8-13 listed in Article 45.051, Code of Criminal Procedure;
8-14 (10) perform any act and take any measure necessary
8-15 and proper for the efficient performance of the duties required by
8-16 the referral order, including the entry of an order that includes at
8-17 least one of the requirements in Article 45.054, Code of Criminal
8-18 Procedure; and
8-19 (11) if the magistrate finds that a child as defined by
8-20 Article 45.058, Code of Criminal Procedure, has violated an order
8-21 under Article 45.054, Code of Criminal Procedure, proceed as
8-22 authorized by Article 45.050, Code of Criminal Procedure.
8-23 (b) With respect to an issue of law or fact the ruling on
8-24 which could result in the dismissal of a prosecution under Section
8-25 25.093, Education Code, or an action brought under Section 25.094,
8-26 Education Code, a magistrate may not rule on the issue but may make
8-27 findings, conclusions, and recommendations on the issue.
8-28 SECTION 15. Section 71.0352, Government Code, is amended to
8-29 read as follows:
8-30 Sec. 71.0352. JUVENILE DATE: JUSTICE, MUNICIPAL, AND
8-31 JUVENILE COURTS. As a component of the official monthly report
8-32 submitted to the Office of Court Administration of the Texas
8-33 Judicial System:
8-34 (1) justice and municipal courts shall report the
8-35 number of cases filed for the following [~~offenses~~]:
8-36 (A) failure to attend school under Section
8-37 25.094, Education Code;
8-38 (B) parent contributing to nonattendance under
8-39 Section 25.093, Education Code; and
8-40 (C) violation of a local daytime curfew ordinance
8-41 adopted under Section 341.905 or 351.903, Local Government Code;
8-42 and
8-43 (2) in cases in which a child fails to obey an order of
8-44 a justice or municipal court under circumstances that would
8-45 constitute contempt of court, the justice or municipal court shall
8-46 report the number of incidents in which the child is:
8-47 (A) referred to the appropriate juvenile court
8-48 for delinquent conduct as provided by Article 45.050(c)(1), Code of
8-49 Criminal Procedure, and Section 51.03(a)(2), Family Code; or
8-50 (B) held in contempt, fined, or denied driving
8-51 privileges as provided by Article 45.050(c)(2), Code of Criminal
8-52 Procedure.
8-53 SECTION 16. Section 103.021, Government Code, is amended to
8-54 read as follows:
8-55 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
8-56 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or
8-57 defendant, or a party to a civil suit, as applicable, shall pay the
8-58 following fees and costs under the Code of Criminal Procedure if
8-59 ordered by the court or otherwise required:
8-60 (1) a personal bond fee (Art. 17.42, Code of Criminal
8-61 Procedure) . . . the greater of \$20 or three percent of the amount
8-62 of the bail fixed for the accused;
8-63 (2) cost of electronic monitoring as a condition of
8-64 release on personal bond (Art. 17.43, Code of Criminal Procedure)
8-65 . . . actual cost;
8-66 (3) a fee for verification of and monitoring of motor
8-67 vehicle ignition interlock (Art. 17.441, Code of Criminal
8-68 Procedure) . . . not to exceed \$10;
8-69 (3-a) costs associated with operating a global

9-1 positioning monitoring system as a condition of release on bond
9-2 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
9-3 subject to a determination of indigency;
9-4 (3-b) costs associated with providing a defendant's
9-5 victim with an electronic receptor device as a condition of the
9-6 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
9-7 Procedure) . . . actual costs, subject to a determination of
9-8 indigency;
9-9 (4) repayment of reward paid by a crime stoppers
9-10 organization on conviction of a felony (Art. 37.073, Code of
9-11 Criminal Procedure) . . . amount ordered;
9-12 (5) reimbursement to general revenue fund for payments
9-13 made to victim of an offense as condition of community supervision
9-14 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
9-15 a misdemeanor offense or \$100 for a felony offense;
9-16 (6) payment to a crime stoppers organization as
9-17 condition of community supervision (Art. 42.12, Code of Criminal
9-18 Procedure) . . . not to exceed \$50;
9-19 (7) children's advocacy center fee (Art. 42.12, Code
9-20 of Criminal Procedure) . . . not to exceed \$50;
9-21 (8) family violence center fee (Art. 42.12, Code of
9-22 Criminal Procedure) . . . \$100;
9-23 (9) community supervision fee (Art. 42.12, Code of
9-24 Criminal Procedure) . . . not less than \$25 or more than \$60 per
9-25 month;
9-26 (10) additional community supervision fee for certain
9-27 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
9-28 month;
9-29 (11) for certain financially able sex offenders as a
9-30 condition of community supervision, the costs of treatment,
9-31 specialized supervision, or rehabilitation (Art. 42.12, Code of
9-32 Criminal Procedure) . . . all or part of the reasonable and
9-33 necessary costs of the treatment, supervision, or rehabilitation as
9-34 determined by the judge;
9-35 (12) fee for failure to appear for trial in a justice
9-36 or municipal court if a jury trial is not waived (Art. 45.026, Code
9-37 of Criminal Procedure) . . . costs incurred for impaneling the
9-38 jury;
9-39 (13) costs of certain testing, assessments, or
9-40 programs during a deferral period (Art. 45.051, Code of Criminal
9-41 Procedure) . . . amount ordered;
9-42 (14) special expense on dismissal of certain
9-43 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
9-44 . . . not to exceed amount of fine assessed;
9-45 (15) an additional fee:
9-46 (A) for a copy of the defendant's driving record
9-47 to be requested from the Department of Public Safety by the judge
9-48 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
9-49 to the sum of the fee established by Section 521.048,
9-50 Transportation Code, and the state electronic Internet portal fee;
9-51 (B) as an administrative fee for requesting a
9-52 driving safety course or a course under the motorcycle operator
9-53 training and safety program for certain traffic offenses to cover
9-54 the cost of administering the article (Art. 45.0511(f)(1), Code of
9-55 Criminal Procedure) . . . not to exceed \$10; or
9-56 (C) for requesting a driving safety course or a
9-57 course under the motorcycle operator training and safety program
9-58 before the final disposition of the case (Art. 45.0511(f)(2), Code
9-59 of Criminal Procedure) . . . not to exceed the maximum amount of the
9-60 fine for the offense committed by the defendant;
9-61 (16) a request fee for teen court program (Art.
9-62 45.052, Code of Criminal Procedure) . . . \$20, if the court
9-63 ordering the fee is located in the Texas-Louisiana border region,
9-64 but otherwise not to exceed \$10;
9-65 (17) a fee to cover costs of required duties of teen
9-66 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
9-67 court ordering the fee is located in the Texas-Louisiana border
9-68 region, but otherwise \$10;
9-69 (18) a mileage fee for officer performing certain

10-1 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
10-2 mile;

10-3 (19) certified mailing of notice of hearing date (Art.
10-4 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

10-5 (20) certified mailing of certified copies of an order
10-6 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
10-7 plus postage;

10-8 (20-a) a fee to defray the cost of notifying state
10-9 agencies of orders of expungement (Art. 45.0216, Code of Criminal
10-10 Procedure) . . . \$30 per application;

10-11 [~~(20-b) a fee to defray the cost of notifying state
10-12 agencies of orders of expunction (Art. 45.055, Code of Criminal
10-13 Procedure) . . . \$30 per application,~~]

10-14 (21) sight orders:

10-15 (A) if the face amount of the check or sight order
10-16 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
10-17 . . . not to exceed \$10;

10-18 (B) if the face amount of the check or sight order
10-19 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
10-20 Criminal Procedure) . . . not to exceed \$15;

10-21 (C) if the face amount of the check or sight order
10-22 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
10-23 Criminal Procedure) . . . not to exceed \$30;

10-24 (D) if the face amount of the check or sight order
10-25 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
10-26 Criminal Procedure) . . . not to exceed \$50; and

10-27 (E) if the face amount of the check or sight order
10-28 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
10-29 . . . not to exceed \$75;

10-30 (22) fees for a pretrial intervention program:

10-31 (A) a supervision fee (Art. 102.012(a), Code of
10-32 Criminal Procedure) . . . \$60 a month plus expenses; and

10-33 (B) a district attorney, criminal district
10-34 attorney, or county attorney administrative fee (Art. 102.0121,
10-35 Code of Criminal Procedure) . . . not to exceed \$500;

10-36 (23) parking fee violations for child safety fund in
10-37 municipalities with populations:

10-38 (A) greater than 850,000 (Art. 102.014, Code of
10-39 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

10-40 (B) less than 850,000 (Art. 102.014, Code of
10-41 Criminal Procedure) . . . not to exceed \$5;

10-42 (24) an administrative fee for collection of fines,
10-43 fees, restitution, or other costs (Art. 102.072, Code of Criminal
10-44 Procedure) . . . not to exceed \$2 for each transaction; and

10-45 (25) a collection fee, if authorized by the
10-46 commissioners court of a county or the governing body of a
10-47 municipality, for certain debts and accounts receivable, including
10-48 unpaid fines, fees, court costs, forfeited bonds, and restitution
10-49 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
10-50 percent of an amount more than 60 days past due.

10-51 SECTION 17. The following provisions are repealed:

10-52 (1) Article 45.055, Code of Criminal Procedure; and

10-53 (2) Section 25.094(e), Education Code.

10-54 SECTION 18. The changes in law made by this Act apply to a
10-55 person taken into custody or issued a citation on or after the
10-56 effective date of this Act, regardless of whether the conduct for
10-57 which the person was taken into custody or issued a citation
10-58 occurred before, on, or after that date.

10-59 SECTION 19. This Act takes effect September 1, 2015.

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