

By: White of Tyler

H.B. No. 1753

A BILL TO BE ENTITLED

AN ACT

relating to dismissal of charges of failure to attend school or parent contributing to nonattendance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0531 to read as follows:

Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE OR FAILURE TO ATTEND SCHOOL CHARGE. Notwithstanding any other law, a county, justice, or municipal court, at the court's discretion, may dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093 or 25.094, Education Code, if the court finds that a dismissal would be in the interest of justice because:

(1) there is a low likelihood of recidivism by the defendant; or

(2) sufficient justification exists for the failure to attend school.

SECTION 2. Section 54.03, Family Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) If the child is alleged to have engaged in conduct indicating a need for supervision under Section 51.03(b)(2), the court, at the court's discretion, may dismiss the case with prejudice if the court finds that a dismissal would be in the interest of justice because:

1           (1) there is a low likelihood of recidivism by the  
2 defendant; or

3           (2) sufficient justification exists for the failure to  
4 attend school.

5           SECTION 3. (a) Article 45.0531, Code of Criminal  
6 Procedure, as added by this Act, applies only to an offense  
7 committed on or after the effective date of this Act. An offense  
8 committed before the effective date of this Act is governed by the  
9 law in effect on the date the offense was committed, and the former  
10 law is continued in effect for that purpose. For purposes of this  
11 section, an offense was committed before the effective date of this  
12 Act if any element of the offense was committed before that date.

13           (b) Section 54.03(g-1), Family Code, as added by this Act,  
14 applies only to conduct that occurs on or after the effective date  
15 of this Act. Conduct that occurs before the effective date of this  
16 Act is governed by the law in effect at the time the conduct  
17 occurred, and the former law is continued in effect for that  
18 purpose. For the purposes of this section, conduct occurs before  
19 the effective date of this Act if any element of the conduct  
20 occurred before that date.

21           SECTION 4. This Act takes effect September 1, 2015.