

By: Thompson of Harris

H.B. No. 2268

A BILL TO BE ENTITLED

AN ACT

relating to expunction of convictions and records in failure to attend school cases.

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

SECTION 1. Article 45.055, Code of Criminal Procedure, is amended to read as follows:

Art. 45.055. EXPUNCTION OF CONVICTION AND RECORDS IN FAILURE TO ATTEND SCHOOL CASES. (a) An ~~[Except as provided by Subsection (c), an]~~ individual convicted of a ~~[not more than one]~~ violation of Section 25.094, Education Code, may~~[, on or after the individual's 18th birthday,]~~ apply to the court in which the individual was convicted to have the conviction and records relating to the conviction expunged.

(b) To apply for an expunction, the applicant or the applicant's parent or guardian must submit a written request that:

(1) is made under oath; and

(2) ~~[states that the applicant has not been convicted of more than one violation of Section 25.094, Education Code, and~~

~~(3)]~~ is in the form determined by the applicant.

(c) The court may expunge the conviction and records relating to the conviction without a hearing or, if facts are in doubt, may order a hearing on the application. At its discretion, the court may ~~[If the court finds that the applicant has not been convicted of more than one violation of Section 25.094, Education~~

~~Code, the court shall~~] order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the applicant's record. In making a decision to expunge the applicant's records, the court shall consider any factors the court determines appropriate, including the circumstances of the offense and any previous convictions under Section 25.094, Education Code. ~~[After entry of the order, the applicant is released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose. The court shall inform the applicant of the court's decision on the application.]~~

(d) The court may not ~~[shall]~~ require an individual who files an application under this article to pay a fee ~~[in the amount of \$30 to defray the cost of notifying state agencies of orders of expunction under this article].~~

(e) Notwithstanding any other provision of this article, a [A] court shall order the expunction of ~~[expunge]~~ an individual's conviction under Section 25.094, Education Code, and the documents and records relating to the [a] conviction described by Subsection (c) ~~[, regardless of whether the individual has previously been convicted of an offense under that section,]~~ if:

(1) ~~[the court finds that]~~ the individual has successfully complied with the conditions imposed on the individual by the court under Article 45.054, regardless of whether the individual has applied for an expunction under this article; or

(2) before the individual's 21st birthday, the

individual presents to the court proof that the individual has obtained a high school diploma or a high school equivalency certificate.

(f) After entry of an expunction order under this article, the individual whose conviction and records have been expunged is released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose. The court shall inform the individual of the expunction.

SECTION 2. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,

1 subject to a determination of indigency;

2 (3-b) costs associated with providing a defendant's
3 victim with an electronic receptor device as a condition of the
4 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
5 Procedure) . . . actual costs, subject to a determination of
6 indigency;

7 (4) repayment of reward paid by a crime stoppers
8 organization on conviction of a felony (Art. 37.073, Code of
9 Criminal Procedure) . . . amount ordered;

10 (5) reimbursement to general revenue fund for payments
11 made to victim of an offense as condition of community supervision
12 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
13 a misdemeanor offense or \$100 for a felony offense;

14 (6) payment to a crime stoppers organization as
15 condition of community supervision (Art. 42.12, Code of Criminal
16 Procedure) . . . not to exceed \$50;

17 (7) children's advocacy center fee (Art. 42.12, Code
18 of Criminal Procedure) . . . not to exceed \$50;

19 (8) family violence center fee (Art. 42.12, Code of
20 Criminal Procedure) . . . \$100;

21 (9) community supervision fee (Art. 42.12, Code of
22 Criminal Procedure) . . . not less than \$25 or more than \$60 per
23 month;

24 (10) additional community supervision fee for certain
25 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
26 month;

27 (11) for certain financially able sex offenders as a

1 condition of community supervision, the costs of treatment,
2 specialized supervision, or rehabilitation (Art. 42.12, Code of
3 Criminal Procedure) . . . all or part of the reasonable and
4 necessary costs of the treatment, supervision, or rehabilitation as
5 determined by the judge;

6 (12) fee for failure to appear for trial in a justice
7 or municipal court if a jury trial is not waived (Art. 45.026, Code
8 of Criminal Procedure) . . . costs incurred for impaneling the jury;

9 (13) costs of certain testing, assessments, or
10 programs during a deferral period (Art. 45.051, Code of Criminal
11 Procedure) . . . amount ordered;

12 (14) special expense on dismissal of certain
13 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) .
14 . . not to exceed amount of fine assessed;

15 (15) an additional fee:

16 (A) for a copy of the defendant's driving record
17 to be requested from the Department of Public Safety by the judge
18 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
19 to the sum of the fee established by Section 521.048,
20 Transportation Code, and the state electronic Internet portal fee;

21 (B) as an administrative fee for requesting a
22 driving safety course or a course under the motorcycle operator
23 training and safety program for certain traffic offenses to cover
24 the cost of administering the article (Art. 45.0511(f)(1), Code of
25 Criminal Procedure) . . . not to exceed \$10; or

26 (C) for requesting a driving safety course or a
27 course under the motorcycle operator training and safety program

1 before the final disposition of the case (Art. 45.0511(f)(2), Code
2 of Criminal Procedure) . . . not to exceed the maximum amount of the
3 fine for the offense committed by the defendant;

4 (16) a request fee for teen court program (Art.
5 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering
6 the fee is located in the Texas-Louisiana border region, but
7 otherwise not to exceed \$10;

8 (17) a fee to cover costs of required duties of teen
9 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
10 court ordering the fee is located in the Texas-Louisiana border
11 region, but otherwise \$10;

12 (18) a mileage fee for officer performing certain
13 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
14 mile;

15 (19) certified mailing of notice of hearing date (Art.
16 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

17 (20) certified mailing of certified copies of an order
18 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
19 plus postage;

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

23 ~~[(20-b) a fee to defray the cost of notifying state~~
24 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~
25 ~~Procedure) . . . \$30 per application,]~~

26 (21) sight orders:

27 (A) if the face amount of the check or sight order

does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . .

not to exceed \$10;

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

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

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

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

(22) fees for a pretrial intervention program:

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

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

(23) parking fee violations for child safety fund in municipalities with populations:

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

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

(24) an administrative fee for collection of fines,

1 fees, restitution, or other costs (Art. 102.072, Code of Criminal
2 Procedure) . . . not to exceed \$2 for each transaction; and

3 (25) a collection fee, if authorized by the
4 commissioners court of a county or the governing body of a
5 municipality, for certain debts and accounts receivable, including
6 unpaid fines, fees, court costs, forfeited bonds, and restitution
7 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
8 percent of an amount more than 60 days past due.

9 SECTION 3. The changes in law made by this Act apply only to
10 conduct violating Section 25.094, Education Code, on or after the
11 effective date of this Act. A violation that occurs before the
12 effective date of this Act is covered by the law in effect when the
13 violation occurred, and the former law is continued in effect for
14 that purpose. For purposes of this section, a violation occurs
15 before the effective date of this Act if any element of the
16 violation occurs before that date.

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