

AN ACT

relating to court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; providing criminal penalties; imposing a court cost.

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

SECTION 1. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code [~~or Section 25.094, Education Code~~].

SECTION 2. Articles 45.0216(f) and (g), Code of Criminal Procedure, are amended to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

1 (1) for a person applying for the expunction of a
2 conviction for an offense described by Section 8.07(a)(4) or (5),
3 Penal Code, the person was not convicted of any other offense
4 described by Section 8.07(a)(4) or (5), Penal Code, while the
5 person was a child; and

6 (2) for a person applying for the expunction of a
7 conviction for an offense described by Section 43.261, Penal Code,
8 the person was not found to have engaged in conduct indicating a
9 need for supervision described by Section 51.03(b)(7)
10 [~~51.03(b)(8)~~], Family Code, while the person was a child.

11 (g) This article does not apply to any offense otherwise
12 covered by:

13 (1) Chapter 106, Alcoholic Beverage Code; or

14 (2) Chapter 161, Health and Safety Code [~~, or~~

15 [~~(3) Section 25.094, Education Code~~].

16 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
17 Procedure, is amended by adding Articles 45.0531 and 45.0541 to
18 read as follows:

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

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

27 (2) sufficient justification exists for the failure to

1 attend school.

2 Art. 45.0541. EXPUNCTION OF FAILURE TO ATTEND SCHOOL
3 RECORDS. (a) In this article, "truancy offense" means an offense
4 committed under the former Section 25.094, Education Code.

5 (b) An individual who has been convicted of a truancy
6 offense or has had a complaint for a truancy offense dismissed is
7 entitled to have the conviction or complaint and records relating
8 to the conviction or complaint expunged.

9 (c) Regardless of whether the individual has filed a
10 petition for expunction, the court in which the individual was
11 convicted or a complaint for a truancy offense was filed shall order
12 the conviction, complaints, verdicts, sentences, and other
13 documents relating to the offense, including any documents in the
14 possession of a school district or law enforcement agency, to be
15 expunged from the individual's record. After entry of the order,
16 the individual is released from all disabilities resulting from the
17 conviction or complaint, and the conviction or complaint may not be
18 shown or made known for any purpose.

19 SECTION 4. Article 45.056(a), Code of Criminal Procedure,
20 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of
21 the 83rd Legislature, Regular Session, 2013, is reenacted and
22 amended to read as follows:

23 (a) On approval of the commissioners court, city council,
24 school district board of trustees, juvenile board, or other
25 appropriate authority, a county court, justice court, municipal
26 court, school district, juvenile probation department, or other
27 appropriate governmental entity may:

1 (1) employ a case manager to provide services in cases
2 involving juvenile offenders who are before a court consistent with
3 the court's statutory powers or referred to a court by a school
4 administrator or designee for misconduct that would otherwise be
5 within the court's statutory powers prior to a case being filed,
6 with the consent of the juvenile and the juvenile's parents or
7 guardians;

8 (2) employ one or more juvenile case managers who:

9 (A) shall assist the court in administering the
10 court's juvenile docket and in supervising the court's orders in
11 juvenile cases; and

12 (B) may provide:

13 (i) prevention services to a child
14 considered at risk of entering the juvenile justice system; and

15 (ii) intervention services to juveniles
16 engaged in misconduct before cases are filed, excluding traffic
17 offenses; or

18 (3) agree in accordance with Chapter 791, Government
19 Code, with any appropriate governmental entity to jointly employ a
20 case manager or to jointly contribute to the costs of a case manager
21 employed by one governmental entity to provide services described
22 by Subdivisions (1) and (2).

23 SECTION 5. Article 102.014(d), Code of Criminal Procedure,
24 is amended to read as follows:

25 (d) A person convicted of an offense under Section 25.093
26 [~~or 25.094~~], Education Code, shall pay as taxable court costs \$20 in
27 addition to other taxable court costs. The additional court costs

1 under this subsection shall be collected in the same manner that
2 other fines and taxable court costs in the case are collected.

3 SECTION 6. (a) Section 7.111(a), Education Code, as
4 amended by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of
5 the 83rd Legislature, Regular Session, 2013, is reenacted to read
6 as follows:

7 (a) The board shall provide for the administration of high
8 school equivalency examinations.

9 (b) Section 7.111(a-1), Education Code, is amended to
10 conform to the amendment of Section 7.111(a), Education Code, by
11 Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular
12 Session, 2013, and is further amended to read as follows:

13 (a-1) A person who does not have a high school diploma may
14 take the examination in accordance with rules adopted by the board
15 if the person is:

16 (1) over 17 years of age;

17 (2) 16 years of age or older and:

18 (A) is enrolled in a Job Corps training program
19 under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801
20 et seq.), and its subsequent amendments;

21 (B) a public agency providing supervision of the
22 person or having custody of the person under a court order
23 recommends that the person take the examination; or

24 (C) is enrolled in the Texas Military
25 Department's [~~adjutant general's department's~~] Seaborne Challenge
26 Corps; or

27 (3) required to take the examination under a court

1 order issued under Section 65.103(a)(3), Family Code.

2 SECTION 7. Section 25.085, Education Code, is amended by
3 amending Subsections (b), (e), and (f) and adding Subsections (g)
4 and (h) to read as follows:

5 (b) Unless specifically exempted by Section 25.086, a child
6 who is at least six years of age, or who is younger than six years of
7 age and has previously been enrolled in first grade, and who has not
8 yet reached the child's 19th [~~18th~~] birthday shall attend school.

9 (e) A person who voluntarily enrolls in school or
10 voluntarily attends school after the person's 19th [~~18th~~] birthday
11 shall attend school each school day for the entire period the
12 program of instruction is offered. A school district may revoke for
13 the remainder of the school year the enrollment of a person who has
14 more than five absences in a semester that are not excused under
15 Section 25.087, except a school district may not revoke the
16 enrollment of a person under this subsection on a day on which the
17 person is physically present at school. A person whose enrollment
18 is revoked under this subsection may be considered an unauthorized
19 person on school district grounds for purposes of Section 37.107.

20 (f) The board of trustees of a school district may adopt a
21 policy requiring a person described by Subsection (e) who is under
22 21 years of age to attend school until the end of the school year.
23 Section 65.003(a), Family Code, does not apply [~~25.094 applies~~] to
24 a person subject to a policy adopted under this subsection.
25 Sections 25.093 and 25.095 do not apply to the parent of a person
26 subject to a policy adopted under this subsection.

27 (g) After the third unexcused absence of a person described

1 by Subsection (e), a school district shall issue a warning letter to
2 the person that states the person's enrollment may be revoked for
3 the remainder of the school year if the person has more than five
4 unexcused absences in a semester.

5 (h) As an alternative to revoking a person's enrollment
6 under Subsection (e), a school district may impose a behavior
7 improvement plan described by Section 25.0915(a-1)(1).

8 SECTION 8. Sections 25.091(a) and (b), Education Code, are
9 amended to read as follows:

10 (a) A peace officer serving as an attendance officer has the
11 following powers and duties concerning enforcement of compulsory
12 school attendance requirements:

13 (1) to investigate each case of a violation of
14 compulsory school attendance requirements referred to the peace
15 officer;

16 (2) to enforce compulsory school attendance
17 requirements by:

18 (A) applying truancy prevention measures adopted
19 under Section 25.0915 to the student; and

20 (B) if the truancy prevention measures fail to
21 meaningfully address the student's conduct:

22 (i) referring the student to a truancy
23 court [~~juvenile court or filing a complaint against the student in a~~
24 ~~county, justice, or municipal court~~] if the student has unexcused
25 absences for the amount of time specified under Section 65.003(a)
26 [~~25.094 or under Section 51.03(b)(2)~~], Family Code; or

27 (ii) filing a complaint in a county,

1 justice, or municipal court against a parent who violates Section
2 25.093;

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

4 (4) to review school attendance records for compliance
5 by each student investigated by the officer;

6 (5) to maintain an investigative record on each
7 compulsory school attendance requirement violation and related
8 court action and, at the request of a court, the board of trustees
9 of a school district, or the commissioner, to provide a record to
10 the individual or entity requesting the record; and

11 (6) to make a home visit or otherwise contact the
12 parent of a student who is in violation of compulsory school
13 attendance requirements, except that a peace officer may not enter
14 a residence without the permission of the parent of a student
15 required under this subchapter to attend school or of the tenant or
16 owner of the residence except to lawfully serve court-ordered legal
17 process on the parent [~~and~~

18 [~~(7) to take a student into custody with the~~
19 ~~permission of the student's parent or in obedience to a~~
20 ~~court-ordered legal process].~~

21 (b) An attendance officer employed by a school district who
22 is not commissioned as a peace officer has the following powers and
23 duties with respect to enforcement of compulsory school attendance
24 requirements:

25 (1) to investigate each case of a violation of the
26 compulsory school attendance requirements referred to the
27 attendance officer;

1 (2) to enforce compulsory school attendance
2 requirements by:

3 (A) applying truancy prevention measures adopted
4 under Section 25.0915 to the student; and

5 (B) if the truancy prevention measures fail to
6 meaningfully address the student's conduct:

7 (i) referring the student to a truancy
8 court [~~juvenile court or filing a complaint against the student in a~~
9 ~~county, justice, or municipal court~~] if the student has unexcused
10 absences for the amount of time specified under Section 65.003(a)
11 [~~25.094 or under Section 51.03(b)(2)~~], Family Code; and

12 (ii) filing a complaint in a county,
13 justice, or municipal court against a parent who violates Section
14 25.093;

15 (3) to monitor school attendance compliance by each
16 student investigated by the officer;

17 (4) to maintain an investigative record on each
18 compulsory school attendance requirement violation and related
19 court action and, at the request of a court, the board of trustees
20 of a school district, or the commissioner, to provide a record to
21 the individual or entity requesting the record;

22 (5) to make a home visit or otherwise contact the
23 parent of a student who is in violation of compulsory school
24 attendance requirements, except that the attendance officer may not
25 enter a residence without permission of the parent or of the owner
26 or tenant of the residence; and

27 (6) at the request of a parent, to escort a student

1 from any location to a school campus to ensure the student's
2 compliance with compulsory school attendance requirements[~~;~~ and
3 ~~(7) if the attendance officer has or is informed of a~~
4 ~~court-ordered legal process directing that a student be taken into~~
5 ~~custody and the school district employing the officer does not~~
6 ~~employ its own police department, to contact the sheriff,~~
7 ~~constable, or any peace officer to request that the student be taken~~
8 ~~into custody and processed according to the legal process].~~

9 SECTION 9. Section 25.0915, Education Code, is amended to
10 read as follows:

11 Sec. 25.0915. TRUANCY PREVENTION MEASURES [~~;~~ ~~REFERRAL AND~~
12 ~~FILING REQUIREMENT~~]. (a) A school district shall adopt truancy
13 prevention measures designed to:

14 (1) address student conduct related to truancy in the
15 school setting before the student engages in conduct described by
16 Section 65.003(a), Family Code; and

17 (2) minimize the need for referrals to truancy
18 [juvenile] court for conduct described by Section 65.003(a)
19 [51.03(b)(2)], Family Code [~~;~~ and

20 ~~(3) minimize the filing of complaints in county,~~
21 ~~justice, and municipal courts alleging a violation of Section~~
22 ~~25.094].~~

23 (a-1) As a truancy prevention measure under Subsection (a),
24 a school district shall take one or more of the following actions:

25 (1) impose:

26 (A) a behavior improvement plan on the student
27 that must be signed by an employee of the school, that the school

1 district has made a good faith effort to have signed by the student
2 and the student's parent or guardian, and that includes:

3 (i) a specific description of the behavior
4 that is required or prohibited for the student;

5 (ii) the period for which the plan will be
6 effective, not to exceed 45 school days after the date the contract
7 becomes effective; or

8 (iii) the penalties for additional
9 absences, including additional disciplinary action or the referral
10 of the student to a truancy court; or

11 (B) school-based community service; or

12 (2) refer the student to counseling, mediation,
13 mentoring, a teen court program, community-based services, or other
14 in-school or out-of-school services aimed at addressing the
15 student's truancy.

16 (a-2) A referral made under Subsection (a-1)(2) may include
17 participation by the child's parent or guardian if necessary.

18 (a-3) A school district shall offer additional counseling
19 to a student and may not refer the student to truancy court if the
20 school determines that the student's truancy is the result of:

21 (1) pregnancy;

22 (2) being in the state foster program;

23 (3) homelessness; or

24 (4) being the principal income earner for the
25 student's family.

26 (a-4) If a student fails to attend school without excuse on
27 three or more days or parts of days within a four-week period but

1 does not fail to attend school for the time described by Section
2 25.0951(a), the school district shall initiate truancy prevention
3 measures under this section on the student.

4 (b) Each referral to truancy [~~juvenile~~] court for conduct
5 described by Section 65.003(a) [~~51.03(b)(2)~~], Family Code, [~~or~~
6 ~~complaint filed in county, justice, or municipal court alleging a~~
7 ~~violation by a student of Section 25.094]~~ must:

8 (1) be accompanied by a statement from the student's
9 school certifying that:

10 (A) the school applied the truancy prevention
11 measures adopted under Subsection (a) or (a-4) to the student; and

12 (B) the truancy prevention measures failed to
13 meaningfully address the student's school attendance; and

14 (2) specify whether the student is eligible for or
15 receives special education services under Subchapter A, Chapter 29.

16 (c) A truancy court shall dismiss a petition filed by a
17 truant conduct prosecutor under Section 65.054, Family Code, if the
18 court determines that the school district's referral:

19 (1) does [~~complaint or referral made by a school~~
20 ~~district under this section that is]~~ not comply [~~made in~~
21 ~~compliance]~~ with Subsection (b);

22 (2) does not satisfy the elements required for truant
23 conduct;

24 (3) is not timely filed, unless the school district
25 delayed the referral under Section 25.0951(d); or

26 (4) is otherwise substantively defective.

27 (d) Except as provided by Subsection (e), a school district

1 shall employ a truancy prevention facilitator or juvenile case
2 manager to implement the truancy prevention measures required by
3 this section and any other effective truancy prevention measures as
4 determined by the school district or campus. At least annually, the
5 truancy prevention facilitator shall meet to discuss effective
6 truancy prevention measures with a case manager or other individual
7 designated by a truancy court to provide services to students of the
8 school district in truancy cases.

9 (e) Instead of employing a truancy prevention facilitator,
10 a school district may designate an existing district employee or
11 juvenile case manager to implement the truancy prevention measures
12 required by this section and any other effective truancy prevention
13 measures as determined by the school district or campus.

14 (f) The agency shall adopt rules:
15 (1) creating minimum standards for truancy prevention
16 measures adopted by a school district under this section; and
17 (2) establishing a set of best practices for truancy
18 prevention measures.

19 (g) The agency shall adopt rules to provide for sanctions
20 for a school district found to be not in compliance with this
21 section.

22 SECTION 10. Section 25.0916, Education Code, is amended by
23 amending Subsections (a), (c), (f), (h), and (i) and adding
24 Subsection (c-1) to read as follows:

25 (a) This section applies only to a county with two or more
26 courts hearing truancy cases and two or more school districts[+]

27 [~~(1) with a population greater than 1.5 million; and~~

1 ~~[(2) that includes at least:~~

2 ~~[(A) 15 school districts with the majority of~~
3 ~~district territory in the county; and~~

4 ~~[(B) one school district with a student~~
5 ~~enrollment of 50,000 or more and an annual dropout rate spanning~~
6 ~~grades 9-12 of at least five percent, computed in accordance with~~
7 ~~standards and definitions adopted by the National Center for~~
8 ~~Education Statistics of the United States Department of Education].~~

9 (c) Unless the county has already adopted a uniform truancy
10 policy under this section, not ~~[Not]~~ later than January ~~[September]~~
11 1, 2016 ~~[2013]~~, the county judge or the county judge's designee and
12 the mayor of the municipality in the county with the greatest
13 population or the mayor's designee shall each appoint one member to
14 serve on the committee as a representative of each of the following:

15 (1) a juvenile ~~[district]~~ court;

16 (2) a municipal court;

17 (3) the office of a justice of the peace;

18 (4) the superintendent or designee of an independent
19 school district;

20 (5) an open-enrollment charter school, if one exists
21 in the county;

22 (6) the office of the prosecutor with original truancy
23 jurisdiction in the county ~~[district attorney]~~; and

24 (7) the general public.

25 (c-1) In addition to the members listed in Subsection (c),
26 the chief juvenile probation officer or the officer's designee
27 serves on the committee. The county judge or the county judge's

1 designee and the mayor of the municipality in the county with the
2 greatest population or the mayor's designee may make additional
3 appointments as needed.

4 (f) Unless a county has already adopted a uniform truancy
5 policy under this section, not [~~Not~~] later than May [~~September~~] 1,
6 2016 [~~2014~~], the committee shall recommend:

7 (1) a uniform process for filing truancy cases with
8 truancy courts [~~the judicial system~~];

9 (2) uniform administrative procedures;

10 (3) uniform deadlines for processing truancy cases;

11 (4) a local plan with strategies to address truancy,
12 including effective prevention, intervention, and diversion
13 methods to reduce truancy and referrals to a truancy [~~county,~~
14 ~~justice, or municipal~~] court;

15 (5) a system for tracking truancy information and
16 sharing truancy information among school districts, [~~and~~]
17 open-enrollment charter schools, truancy courts, juvenile courts,
18 and juvenile probation departments in the county; and

19 (6) any changes to statutes or state agency rules the
20 committee determines are necessary to address truancy.

21 (h) The committee's presiding officer shall issue a report
22 not later than December 1, 2017 [~~2015~~], to the county judge and
23 mayor of the municipality with the greatest population in the
24 county on the implementation of the recommendations and compliance
25 with state truancy laws by a school district located in the county.

26 (i) This section expires January 1, 2018 [~~2016~~].

27 SECTION 11. Section [25.093](#), Education Code, is amended by

1 amending Subsections (a) and (c) and adding Subsection (c-1) to
2 read as follows:

3 (a) If a warning is issued as required by Section 25.095(a),
4 the parent with criminal negligence fails to require the child to
5 attend school as required by law, and the child has absences for the
6 amount of time specified under Section 65.003(a), Family Code
7 ~~[25.094]~~, the parent commits an offense.

8 (c) An offense under Subsection (a) is a ~~[Class C]~~
9 misdemeanor, punishable by fine only, in an amount not to exceed:

10 (1) \$100 for a first offense;

11 (2) \$200 for a second offense;

12 (3) \$300 for a third offense;

13 (4) \$400 for a fourth offense; or

14 (5) \$500 for a fifth or subsequent offense.

15 (c-1) Each day the child remains out of school may
16 constitute a separate offense. Two or more offenses under
17 Subsection (a) may be consolidated and prosecuted in a single
18 action. If the court orders deferred disposition under Article
19 45.051, Code of Criminal Procedure, the court may require the
20 defendant to provide personal services to a charitable or
21 educational institution as a condition of the deferral.

22 SECTION 12. Sections 25.095(a), (b), and (c), Education
23 Code, are amended to read as follows:

24 (a) A school district or open-enrollment charter school
25 shall notify a student's parent in writing at the beginning of the
26 school year that if the student is absent from school on 10 or more
27 days or parts of days within a six-month period in the same school

1 year [~~or on three or more days or parts of days within a four-week~~
2 ~~period~~]:

3 (1) the student's parent is subject to prosecution
4 under Section 25.093; and

5 (2) the student is subject to [~~prosecution under~~
6 ~~Section 25.094 or to~~] referral to a truancy [~~juvenile~~] court [~~in a~~
7 ~~county with a population of less than 100,000~~] for truant conduct
8 under Section 65.003(a), Family Code [~~that violates that section~~].

9 (b) A school district shall notify a student's parent if the
10 student has been absent from school, without excuse under Section
11 25.087, on three days or parts of days within a four-week period.
12 The notice must:

13 (1) inform the parent that:

14 (A) it is the parent's duty to monitor the
15 student's school attendance and require the student to attend
16 school; and

17 (B) the student [~~parent~~] is subject to truancy
18 prevention measures [~~prosecution~~] under Section 25.0915 [~~25.093~~];
19 and

20 (2) request a conference between school officials and
21 the parent to discuss the absences.

22 (c) The fact that a parent did not receive a notice under
23 Subsection (a) or (b) does not create a defense [~~to prosecution~~]
24 under Section 25.093 or under Section 65.003(a), Family Code
25 [~~25.094~~].

26 SECTION 13. Section 25.0951, Education Code, is amended to
27 read as follows:

1 Sec. 25.0951. SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR
2 FAILURE TO ATTEND SCHOOL. (a) If a student fails to attend school
3 without excuse on 10 or more days or parts of days within a
4 six-month period in the same school year, a school district shall
5 within 10 school days of the student's 10th absence[+]

6 ~~[(1) file a complaint against the student or the~~
7 ~~student's parent or both in a county, justice, or municipal court~~
8 ~~for an offense under Section 25.093 or 25.094, as appropriate, or~~
9 ~~refer the student to a juvenile court in a county with a population~~
10 ~~of less than 100,000 for conduct that violates Section 25.094; or~~

11 ~~[(2)]~~ refer the student to a truancy ~~[juvenile]~~ court
12 for truant conduct ~~[indicating a need for supervision]~~ under
13 Section 65.003(a) ~~[51.03(b)(2)]~~, Family Code.

14 **(b) If a student fails to attend school without excuse as**
15 **specified by Subsection (a), a school district may file a complaint**
16 **against the student's parent in a county, justice, or municipal**
17 **court for an offense under Section 25.093 if the school district**
18 **provides evidence of the parent's criminal negligence** ~~[If a student~~
19 ~~fails to attend school without excuse on three or more days or parts~~
20 ~~of days within a four-week period but does not fail to attend school~~
21 ~~for the time described by Subsection (a), the school district may:~~

22 ~~[(1) file a complaint against the student or the~~
23 ~~student's parent or both in a county, justice, or municipal court~~
24 ~~for an offense under Section 25.093 or 25.094, as appropriate, or~~
25 ~~refer the student to a juvenile court in a county with a population~~
26 ~~of less than 100,000 for conduct that violates Section 25.094; or~~

27 ~~[(2) refer the student to a juvenile court for conduct~~

1 ~~indicating a need for supervision under Section 51.03(b)(2), Family~~
2 ~~Code].~~

3 ~~[(c)]~~ In this subsection ~~[section]~~, "parent" includes a
4 person standing in parental relation.

5 (c) ~~[(d)]~~ A court shall dismiss a complaint ~~[or referral]~~
6 made by a school district under Subsection (b) ~~[under this section]~~
7 that:

8 (1) does [is] not comply [made in compliance] with
9 this section;

10 (2) does not allege the elements required for the
11 offense;

12 (3) is not timely filed, unless the school district
13 delayed the referral under Subsection (d); or

14 (4) is otherwise substantively defective.

15 (d) Notwithstanding Subsection (a), a school district may
16 delay a referral of a student for truant conduct, or may choose to
17 not refer a student for truant conduct, if the school district:

18 (1) is applying truancy prevention measures to the
19 student under Section 25.0915; and

20 (2) determines that the truancy prevention measures
21 are succeeding and it is in the best interest of the student that a
22 referral be delayed or not be made.

23 SECTION 14. Section 25.0952, Education Code, is amended to
24 read as follows:

25 Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING
26 TO NONATTENDANCE OFFENSE ~~[SCHOOL ATTENDANCE-RELATED OFFENSES]~~. In
27 a proceeding based on a complaint under Section 25.093 ~~[or 25.094]~~,

1 the court shall, except as otherwise provided by this chapter, use
2 the procedures and exercise the powers authorized by Chapter 45,
3 Code of Criminal Procedure.

4 SECTION 15. Section 29.087(d), Education Code, is amended
5 to read as follows:

6 (d) A student is eligible to participate in a program
7 authorized by this section if:

8 (1) the student has been ordered by a court under
9 Section 65.103, Family Code [~~Article 45.054, Code of Criminal~~
10 ~~Procedure, as added by Chapter 1514, Acts of the 77th Legislature,~~
11 ~~Regular Session, 2001~~], or by the Texas Juvenile Justice Department
12 [~~Youth Commission~~] to:

13 (A) participate in a preparatory class for the
14 high school equivalency examination; or

15 (B) take the high school equivalency examination
16 administered under Section 7.111; or

17 (2) the following conditions are satisfied:

18 (A) the student is at least 16 years of age at the
19 beginning of the school year or semester;

20 (B) the student is a student at risk of dropping
21 out of school, as defined by Section 29.081;

22 (C) the student and the student's parent or
23 guardian agree in writing to the student's participation;

24 (D) at least two school years have elapsed since
25 the student first enrolled in ninth grade and the student has
26 accumulated less than one third of the credits required to graduate
27 under the minimum graduation requirements of the district or

1 school; and

2 (E) any other conditions specified by the
3 commissioner.

4 SECTION 16. Section 33.051(2), Education Code, is amended
5 to read as follows:

6 (2) "Missing child" means a child whose whereabouts
7 are unknown to the legal custodian of the child and:

8 (A) the circumstances of whose absence indicate
9 that the child did not voluntarily leave the care and control of the
10 custodian and that the taking of the child was not authorized by
11 law; or

12 (B) the child has engaged in conduct indicating a
13 need for supervision under Section 51.03(b)(2) [~~51.03(b)(3)~~],
14 Family Code.

15 SECTION 17. Section 51.02(15), Family Code, is amended to
16 read as follows:

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

20 (A) [~~truancy under Section 51.03(b)(2)~~],
21 [~~(B)~~] running away from home under Section
22 51.03(b)(2) [~~51.03(b)(3)~~];

23 (B) [~~(C)~~] a fineable only offense under Section
24 51.03(b)(1) transferred to the juvenile court under Section
25 51.08(b), but only if the conduct constituting the offense would
26 not have been criminal if engaged in by an adult;

27 [~~(D) failure to attend school under Section~~

1 ~~25.094, Education Code,~~

2 (C) [~~(E)~~] a violation of standards of student
3 conduct as described by Section 51.03(b)(4) [~~51.03(b)(5)~~];

4 (D) [~~(F)~~] a violation of a juvenile curfew
5 ordinance or order;

6 (E) [~~(G)~~] a violation of a provision of the
7 Alcoholic Beverage Code applicable to minors only; or

8 (F) [~~(H)~~] a violation of any other fineable only
9 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
10 conduct constituting the offense would not have been criminal if
11 engaged in by an adult.

12 SECTION 18. Sections 51.03(a), (b), (e), and (f), Family
13 Code, are amended to read as follows:

14 (a) Delinquent conduct is:

15 (1) conduct, other than a traffic offense, that
16 violates a penal law of this state or of the United States
17 punishable by imprisonment or by confinement in jail;

18 (2) conduct that violates a lawful order of a court
19 under circumstances that would constitute contempt of that court
20 in:

21 (A) a justice or municipal court; [~~or~~]

22 (B) a county court for conduct punishable only by
23 a fine; or

24 (C) a truancy court;

25 (3) conduct that violates Section 49.04, 49.05, 49.06,
26 49.07, or 49.08, Penal Code; or

27 (4) conduct that violates Section 106.041, Alcoholic

1 Beverage Code, relating to driving under the influence of alcohol
2 by a minor (third or subsequent offense).

3 (b) Conduct indicating a need for supervision is:

4 (1) subject to Subsection (f), conduct, other than a
5 traffic offense, that violates:

6 (A) the penal laws of this state of the grade of
7 misdemeanor that are punishable by fine only; or

8 (B) the penal ordinances of any political
9 subdivision of this state;

10 (2) ~~[the absence of a child on 10 or more days or parts~~
11 ~~of days within a six-month period in the same school year or on~~
12 ~~three or more days or parts of days within a four-week period from~~
13 ~~school,~~

14 ~~[(3)]~~ the voluntary absence of a child from the child's
15 home without the consent of the child's parent or guardian for a
16 substantial length of time or without intent to return;

17 (3) ~~[(4)]~~ conduct prohibited by city ordinance or by
18 state law involving the inhalation of the fumes or vapors of paint
19 and other protective coatings or glue and other adhesives and the
20 volatile chemicals itemized in Section 485.001, Health and Safety
21 Code;

22 (4) ~~[(5)]~~ an act that violates a school district's
23 previously communicated written standards of student conduct for
24 which the child has been expelled under Section 37.007(c),
25 Education Code;

26 (5) ~~[(6)]~~ conduct that violates a reasonable and
27 lawful order of a court entered under Section 264.305;

1 (6) [~~(7)~~] notwithstanding Subsection (a)(1), conduct
2 described by Section [43.02](#)(a)(1) or (2), Penal Code; or

3 (7) [~~(8)~~] notwithstanding Subsection (a)(1), conduct
4 that violates Section [43.261](#), Penal Code.

5 (e) For the purposes of Subsection (b)(2) [~~(b)(3)~~], "child"
6 does not include a person who is married, divorced, or widowed.

7 (f) Conduct [~~Except as provided by Subsection (g), conduct~~]
8 described under Subsection (b)(1) does not constitute conduct
9 indicating a need for supervision unless the child has been
10 referred to the juvenile court under Section [51.08](#)(b).

11 SECTION 19. Section [51.13](#)(e), Family Code, is amended to
12 read as follows:

13 (e) A finding that a child engaged in conduct indicating a
14 need for supervision as described by Section [51.03](#)(b)(7)
15 [~~[51.03](#)(b)(8)~~] is a conviction only for the purposes of Sections
16 [43.261](#)(c) and (d), Penal Code.

17 SECTION 20. Section [54.0404](#)(a), Family Code, is amended to
18 read as follows:

19 (a) If a child is found to have engaged in conduct
20 indicating a need for supervision described by Section [51.03](#)(b)(7)
21 [~~[51.03](#)(b)(8)~~], the juvenile court may enter an order requiring the
22 child to attend and successfully complete an educational program
23 described by Section [37.218](#), Education Code, or another equivalent
24 educational program.

25 SECTION 21. Section [54.05](#)(b), Family Code, is amended to
26 read as follows:

27 (b) Except for a commitment to the Texas Juvenile Justice

1 Department or to a post-adjudication secure correctional facility
2 under Section [54.04011](#) [~~a disposition under Section [54.0402](#),~~] or a
3 placement on determinate sentence probation under Section
4 [54.04](#)(q), all dispositions automatically terminate when the child
5 reaches the child's 18th birthday.

6 SECTION 22. Section [58.0022](#), Family Code, is amended to
7 read as follows:

8 Sec. 58.0022. FINGERPRINTS OR PHOTOGRAPHS TO IDENTIFY
9 RUNAWAYS. A law enforcement officer who takes a child into custody
10 with probable cause to believe that the child has engaged in conduct
11 indicating a need for supervision as described by Section
12 [51.03](#)(b)(2) [~~[51.03](#)(b)(3)~~] and who after reasonable effort is unable
13 to determine the identity of the child, may fingerprint or
14 photograph the child to establish the child's identity. On
15 determination of the child's identity or that the child cannot be
16 identified by the fingerprints or photographs, the law enforcement
17 officer shall immediately destroy all copies of the fingerprint
18 records or photographs of the child.

19 SECTION 23. Section [58.003](#)(c-3), Family Code, is amended to
20 read as follows:

21 (c-3) Notwithstanding Subsections (a) and (c) and subject
22 to Subsection (b), a juvenile court, on the court's own motion and
23 without a hearing, shall order the sealing of records concerning a
24 child found to have engaged in conduct indicating a need for
25 supervision described by Section [51.03](#)(b)(6) [~~[51.03](#)(b)(7)~~] or
26 taken into custody to determine whether the child engaged in
27 conduct indicating a need for supervision described by Section

1 51.03(b)(6) [~~51.03(b)(7)~~]. This subsection applies only to
2 records related to conduct indicating a need for supervision
3 described by Section 51.03(b)(6) [~~51.03(b)(7)~~].

4 SECTION 24. Section 58.106(a), Family Code, is amended to
5 read as follows:

6 (a) Except as otherwise provided by this section,
7 information contained in the juvenile justice information system is
8 confidential information for the use of the department and may not
9 be disseminated by the department except:

10 (1) with the permission of the juvenile offender, to
11 military personnel of this state or the United States;

12 (2) to a person or entity to which the department may
13 grant access to adult criminal history records as provided by
14 Section 411.083, Government Code;

15 (3) to a juvenile justice agency;

16 (4) to the Texas Juvenile Justice Department [~~Youth
17 Commission and the Texas Juvenile Probation Commission~~] for
18 analytical purposes;

19 (5) to the office of independent ombudsman of the
20 Texas Juvenile Justice Department [~~Youth Commission~~]; and

21 (6) to a county, justice, or municipal court
22 exercising jurisdiction over a juvenile [~~, including a court
23 exercising jurisdiction over a juvenile under Section 54.021].~~

24 SECTION 25. Section 59.003(a), Family Code, is amended to
25 read as follows:

26 (a) Subject to Subsection (e), after a child's first
27 commission of delinquent conduct or conduct indicating a need for

1 supervision, the probation department or prosecuting attorney may,
2 or the juvenile court may, in a disposition hearing under Section
3 54.04 or a modification hearing under Section 54.05, assign a child
4 one of the following sanction levels according to the child's
5 conduct:

6 (1) for conduct indicating a need for supervision,
7 other than conduct described in Section 51.03(b)(3) or (4)
8 [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction
9 level is one;

10 (2) for conduct indicating a need for supervision
11 under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A
12 or B misdemeanor, other than a misdemeanor involving the use or
13 possession of a firearm, or for delinquent conduct under Section
14 51.03(a)(2), the sanction level is two;

15 (3) for a misdemeanor involving the use or possession
16 of a firearm or for a state jail felony or a felony of the third
17 degree, the sanction level is three;

18 (4) for a felony of the second degree, the sanction
19 level is four;

20 (5) for a felony of the first degree, other than a
21 felony involving the use of a deadly weapon or causing serious
22 bodily injury, the sanction level is five;

23 (6) for a felony of the first degree involving the use
24 of a deadly weapon or causing serious bodily injury, for an
25 aggravated controlled substance felony, or for a capital felony,
26 the sanction level is six; or

27 (7) for a felony of the first degree involving the use

1 of a deadly weapon or causing serious bodily injury, for an
2 aggravated controlled substance felony, or for a capital felony, if
3 the petition has been approved by a grand jury under Section 53.045,
4 or if a petition to transfer the child to criminal court has been
5 filed under Section 54.02, the sanction level is seven.

6 SECTION 26. Section 61.002(a), Family Code, is amended to
7 read as follows:

8 (a) Except as provided by Subsection (b), this chapter
9 applies to a proceeding to enter a juvenile court order:

10 (1) for payment of probation fees under Section
11 54.061;

12 (2) for restitution under Sections 54.041(b) and
13 54.048;

14 (3) for payment of graffiti eradication fees under
15 Section 54.0461;

16 (4) for community service under Section 54.044(b);

17 (5) for payment of costs of court under Section
18 54.0411 or other provisions of law;

19 (6) requiring the person to refrain from doing any act
20 injurious to the welfare of the child under Section 54.041(a)(1);

21 (7) enjoining contact between the person and the child
22 who is the subject of a proceeding under Section 54.041(a)(2);

23 (8) ordering a person living in the same household
24 with the child to participate in counseling under Section
25 54.041(a)(3);

26 (9) ~~requiring a parent or guardian of a child found to~~
27 ~~be truant to participate in an available program addressing truancy~~

1 ~~under Section 54.041(f),~~

2 ~~[(10)]~~ requiring a parent or other eligible person to
3 pay reasonable attorney's fees for representing the child under
4 Section 51.10(e);

5 (10) ~~[(11)]~~ requiring the parent or other eligible
6 person to reimburse the county for payments the county has made to
7 an attorney appointed to represent the child under Section
8 51.10(j);

9 (11) ~~[(12)]~~ requiring payment of deferred prosecution
10 supervision fees under Section 53.03(d);

11 (12) ~~[(13)]~~ requiring a parent or other eligible
12 person to attend a court hearing under Section 51.115;

13 (13) ~~[(14)]~~ requiring a parent or other eligible
14 person to act or refrain from acting to aid the child in complying
15 with conditions of release from detention under Section 54.01(r);

16 (14) ~~[(15)]~~ requiring a parent or other eligible
17 person to act or refrain from acting under any law imposing an
18 obligation of action or omission on a parent or other eligible
19 person because of the parent's or person's relation to the child who
20 is the subject of a proceeding under this title;

21 (15) ~~[(16)]~~ for payment of fees under Section 54.0462;

22 or

23 (16) ~~[(17)]~~ for payment of the cost of attending an
24 educational program under Section 54.0404.

25 SECTION 27. The Family Code is amended by adding Title 3A to
26 read as follows:

1 TITLE 3A. TRUANCY COURT PROCEEDINGS

2 CHAPTER 65. TRUANCY COURT PROCEEDINGS

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 65.001. SCOPE AND PURPOSE. (a) This chapter details
5 the procedures and proceedings in cases involving allegations of
6 truant conduct.

7 (b) The purpose of this chapter is to encourage school
8 attendance by creating simple civil judicial procedures through
9 which children are held accountable for excessive school absences.

10 (c) The best interest of the child is the primary
11 consideration in adjudicating truant conduct of the child.

12 Sec. 65.002. DEFINITIONS. In this chapter:

13 (1) "Child" means a person who is 12 years of age or
14 older and younger than 19 years of age.

15 (2) "Juvenile court" means a court designated under
16 Section 51.04 to exercise jurisdiction over proceedings under Title
17 3.

18 (3) "Qualified telephone interpreter" means a
19 telephone service that employs licensed court interpreters, as
20 defined by Section 157.001, Government Code.

21 (4) "Truancy court" means a court designated under
22 Section 65.004 to exercise jurisdiction over cases involving
23 allegations of truant conduct.

24 Sec. 65.003. TRUANT CONDUCT. (a) A child engages in
25 truant conduct if the child is required to attend school under
26 Section 25.085, Education Code, and fails to attend school on 10 or
27 more days or parts of days within a six-month period in the same

1 school year.

2 (b) Truant conduct may be prosecuted only as a civil case in
3 a truancy court.

4 (c) It is an affirmative defense to an allegation of truant
5 conduct that one or more of the absences required to be proven have
6 been excused by a school official or by the court or that one or more
7 of the absences were involuntary, but only if there is an
8 insufficient number of unexcused or voluntary absences remaining to
9 constitute truant conduct. The burden is on the child to show by a
10 preponderance of the evidence that the absence has been or should be
11 excused or that the absence was involuntary. A decision by the
12 court to excuse an absence for purposes of this subsection does not
13 affect the ability of the school district to determine whether to
14 excuse the absence for another purpose.

15 Sec. 65.004. TRUANCY COURTS; JURISDICTION. (a) The
16 following are designated as truancy courts:

17 (1) in a county with a population of 1.75 million or
18 more, the constitutional county court;

19 (2) justice courts; and

20 (3) municipal courts.

21 (b) A truancy court has exclusive original jurisdiction
22 over cases involving allegations of truant conduct.

23 (c) A municipality may enter into an agreement with a
24 contiguous municipality or a municipality with boundaries that are
25 within one-half mile of the municipality seeking to enter into the
26 agreement to establish concurrent jurisdiction of the municipal
27 courts in the municipalities and provide original jurisdiction to a

1 municipal court in which a truancy case is brought as if the
2 municipal court were located in the municipality in which the case
3 arose.

4 (d) A truancy court retains jurisdiction over a person,
5 without regard to the age of the person, who was referred to the
6 court under Section 65.051 for engaging in truant conduct before
7 the person's 19th birthday, until final disposition of the case.

8 Sec. 65.005. COURT SESSIONS. A truancy court is considered
9 to be in session at all times.

10 Sec. 65.006. VENUE. Venue for a proceeding under this
11 chapter is the county in which the school in which the child is
12 enrolled is located or the county in which the child resides.

13 Sec. 65.007. RIGHT TO JURY TRIAL. (a) A child alleged to
14 have engaged in truant conduct is entitled to a jury trial.

15 (b) The number of jurors in a case involving an allegation
16 of truant conduct is six. The state and the child are each entitled
17 to three peremptory challenges.

18 (c) There is no jury fee for a trial under this chapter.

19 Sec. 65.008. WAIVER OF RIGHTS. A right granted to a child
20 by this chapter or by the constitution or laws of this state or the
21 United States is waived in proceedings under this chapter if:

22 (1) the right is one that may be waived;

23 (2) the child and the child's parent or guardian are
24 informed of the right, understand the right, understand the
25 possible consequences of waiving the right, and understand that
26 waiver of the right is not required;

27 (3) the child signs the waiver;

1 (4) the child's parent or guardian signs the waiver;
2 and
3 (5) the child's attorney signs the waiver, if the child
4 is represented by counsel.

5 Sec. 65.009. EFFECT OF ADJUDICATION. (a) An adjudication
6 of a child as having engaged in truant conduct is not a conviction
7 of crime. An order of adjudication does not impose any civil
8 disability ordinarily resulting from a conviction or operate to
9 disqualify the child in any civil service application or
10 appointment.

11 (b) The adjudication of a child as having engaged in truant
12 conduct may not be used in any subsequent court proceedings, other
13 than for the purposes of determining an appropriate remedial action
14 under this chapter or in an appeal under this chapter.

15 Sec. 65.010. BURDEN OF PROOF. A court or jury may not
16 return a finding that a child has engaged in truant conduct unless
17 the state has proved the conduct beyond a reasonable doubt.

18 Sec. 65.011. APPLICABLE STATUTES REGARDING DISCOVERY.
19 Discovery in a proceeding under this chapter is governed by Chapter
20 39, Code of Criminal Procedure, other than Articles 39.14(i) and
21 (j).

22 Sec. 65.012. PROCEDURAL RULES. The supreme court may
23 promulgate rules of procedure applicable to proceedings under this
24 chapter, including guidelines applicable to the informal
25 disposition of truancy cases.

26 Sec. 65.013. INTERPRETERS. (a) When on the motion for
27 appointment of an interpreter by a party or on the motion of the

1 court, in any proceeding under this chapter, the court determines
2 that the child, the child's parent or guardian, or a witness does
3 not understand and speak English, an interpreter must be sworn to
4 interpret for the person. Articles 38.30(a), (b), and (c), Code of
5 Criminal Procedure, apply in a proceeding under this chapter. A
6 qualified telephone interpreter may be sworn to provide
7 interpretation services if an interpreter is not available to
8 appear in person before the court.

9 (b) In any proceeding under this chapter, if a party
10 notifies the court that the child, the child's parent or guardian,
11 or a witness is deaf, the court shall appoint a qualified
12 interpreter to interpret the proceedings in any language, including
13 sign language, that the deaf person can understand. Articles
14 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a
15 proceeding under this chapter.

16 Sec. 65.014. SIGNATURES. Any requirement under this
17 chapter that a document be signed or that a document contain a
18 person's signature, including the signature of a judge or a clerk of
19 the court, is satisfied if the document contains the signature of
20 the person as captured on an electronic device or as a digital
21 signature.

22 Sec. 65.015. PUBLIC ACCESS TO COURT HEARINGS. (a) Except
23 as provided by Subsection (b), a truancy court shall open a hearing
24 under this chapter to the public unless the court, for good cause
25 shown, determines that the public should be excluded.

26 (b) The court may prohibit a person from personally
27 attending a hearing if the person is expected to testify at the

1 hearing and the court determines that the person's testimony would
2 be materially affected if the person hears other testimony at the
3 hearing.

4 Sec. 65.016. RECORDING OF PROCEEDINGS. (a) The
5 proceedings in a truancy court that is not a court of record may not
6 be recorded.

7 (b) The proceedings in a truancy court that is a court of
8 record must be recorded by stenographic notes or by electronic,
9 mechanical, or other appropriate means.

10 Sec. 65.017. JUVENILE CASE MANAGERS. A truancy court may
11 employ a juvenile case manager in accordance with Article [45.056](#),
12 Code of Criminal Procedure, to provide services to children who
13 have been referred to the truancy court or who are in jeopardy of
14 being referred to the truancy court.

15 SUBCHAPTER B. INITIAL PROCEDURES

16 Sec. 65.051. INITIAL REFERRAL TO TRUANCY COURT. When a
17 truancy court receives a referral under Section [25.0915](#), Education
18 Code, and the court is not required to dismiss the referral under
19 that section, the court shall forward the referral to a truant
20 conduct prosecutor who serves the court.

21 Sec. 65.052. TRUANT CONDUCT PROSECUTOR. In a justice or
22 municipal court or a constitutional county court that is designated
23 as a truancy court, the attorney who represents the state in
24 criminal matters in that court shall serve as the truant conduct
25 prosecutor.

26 Sec. 65.053. REVIEW BY PROSECUTOR. (a) The truant conduct
27 prosecutor shall promptly review the facts described in a referral

1 received under Section 65.051.

2 (b) The prosecutor may, in the prosecutor's discretion,
3 determine whether to file a petition with the truancy court
4 requesting an adjudication of the child for truant conduct. If the
5 prosecutor decides not to file a petition requesting an
6 adjudication, the prosecutor shall inform the truancy court and the
7 school district of the decision.

8 (c) The prosecutor may not file a petition for an
9 adjudication of a child for truant conduct if the referral was not
10 made in compliance with Section 25.0915, Education Code.

11 Sec. 65.054. STATE'S PETITION. (a) A petition for an
12 adjudication of a child for truant conduct initiates an action of
13 the state against a child who has allegedly engaged in truant
14 conduct.

15 (b) The proceedings shall be styled "In the matter of
16 _____ , Child," identifying the child by the child's
17 initials only.

18 (c) The petition may be on information and belief.

19 (d) The petition must state:

20 (1) with reasonable particularity the time, place, and
21 manner of the acts alleged to constitute truant conduct;

22 (2) the name, age, and residence address, if known, of
23 the child who is the subject of the petition;

24 (3) the names and residence addresses, if known, of at
25 least one parent, guardian, or custodian of the child and of the
26 child's spouse, if any; and

27 (4) if the child's parent, guardian, or custodian does

1 not reside or cannot be found in the state, or if their places of
2 residence are unknown, the name and residence address of any known
3 adult relative residing in the county or, if there is none, the name
4 and residence address of the known adult relative residing nearest
5 to the location of the court.

6 (e) Filing fees may not be charged for the filing of the
7 state's petition.

8 Sec. 65.055. LIMITATIONS PERIOD. A petition may not be
9 filed after the 45th day after the date of the last absence giving
10 rise to the act of truant conduct.

11 Sec. 65.056. HEARING DATE. (a) After the petition has
12 been filed, the truancy court shall set a date and time for an
13 adjudication hearing.

14 (b) The hearing may not be held on or before the 10th day
15 after the date the petition is filed.

16 Sec. 65.057. SUMMONS. (a) After setting the date and time
17 of an adjudication hearing, the truancy court shall direct the
18 issuance of a summons to:

- 19 (1) the child named in the petition;
20 (2) the child's parent, guardian, or custodian;
21 (3) the child's guardian ad litem, if any; and
22 (4) any other person who appears to the court to be a
23 proper or necessary party to the proceeding.

24 (b) The summons must require the persons served to appear
25 before the court at the place, date, and time of the adjudication
26 hearing to answer the allegations of the petition. A copy of the
27 petition must accompany the summons. If a person, other than the

1 child, required to appear under this section fails to attend a
2 hearing, the truancy court may proceed with the hearing.

3 (c) The truancy court may endorse on the summons an order
4 directing the person having the physical custody or control of the
5 child to bring the child to the hearing.

6 (d) A party, other than the child, may waive service of
7 summons by written stipulation or by voluntary appearance at the
8 hearing.

9 Sec. 65.058. SERVICE OF SUMMONS. (a) If a person to be
10 served with a summons is in this state and can be found, the summons
11 shall be served on the person personally or by registered or
12 certified mail, return receipt requested, at least five days before
13 the date of the adjudication hearing.

14 (b) Service of the summons may be made by any suitable
15 person under the direction of the court.

16 Sec. 65.059. REPRESENTATION BY ATTORNEY. (a) A child may be
17 represented by an attorney in a case under this chapter.
18 Representation by an attorney is not required.

19 (b) A child is not entitled to have an attorney appointed to
20 represent the child, but the court may appoint an attorney if the
21 court determines it is in the best interest of the child.

22 (c) The court may order a child's parent or other
23 responsible person to pay for the cost of an attorney appointed
24 under this section if the court determines that the person has
25 sufficient financial resources.

26 Sec. 65.060. CHILD'S ANSWER. After the petition has been
27 filed, the child may answer, orally or in writing, the petition at

1 or before the commencement of the hearing. If the child does not
2 answer, a general denial of the alleged truant conduct is assumed.

3 Sec. 65.061. GUARDIAN AD LITEM. (a) If a child appears
4 before the truancy court without a parent or guardian, or it appears
5 to the court that the child's parent or guardian is incapable or
6 unwilling to make decisions in the best interest of the child with
7 respect to proceedings under this chapter, the court may appoint a
8 guardian ad litem to protect the interests of the child in the
9 proceedings.

10 (b) An attorney for a child may also be the child's guardian
11 ad litem. A law enforcement officer, probation officer, or other
12 employee of the truancy court may not be appointed as a guardian ad
13 litem.

14 (c) The court may order a child's parent or other person
15 responsible to support the child to reimburse the county or
16 municipality for the cost of the guardian ad litem. The court may
17 issue the order only after determining that the parent or other
18 responsible person has sufficient financial resources to offset the
19 cost of the child's guardian ad litem wholly or partly.

20 Sec. 65.062. ATTENDANCE AT HEARING. (a) The child must be
21 personally present at the adjudication hearing. The truancy court
22 may not proceed with the adjudication hearing in the absence of the
23 child.

24 (b) A parent or guardian of a child and any court-appointed
25 guardian ad litem of a child is required to attend the adjudication
26 hearing.

27 (c) Subsection (b) does not apply to:

1 (1) a person for whom, for good cause shown, the court
2 excuses attendance;

3 (2) a person who is not a resident of this state; or

4 (3) a parent of a child for whom a managing conservator
5 has been appointed and the parent is not a conservator of the child.

6 Sec. 65.063. RIGHT TO REEMPLOYMENT. (a) An employer may
7 not terminate the employment of a permanent employee because the
8 employee is required under Section 65.062(b) to attend a hearing.

9 (b) Notwithstanding any other law, an employee whose
10 employment is terminated in violation of this section is entitled
11 to return to the same employment that the employee held when
12 notified of the hearing if the employee, as soon as practical after
13 the hearing, gives the employer actual notice that the employee
14 intends to return.

15 (c) A person who is injured because of a violation of this
16 section is entitled to:

17 (1) reinstatement to the person's former position;

18 (2) damages not to exceed an amount equal to six times
19 the amount of monthly compensation received by the person on the
20 date of the hearing; and

21 (3) reasonable attorney's fees in an amount approved
22 by the court.

23 (d) It is a defense to an action brought under this section
24 that the employer's circumstances changed while the employee
25 attended the hearing and caused reemployment to be impossible or
26 unreasonable. To establish a defense under this subsection, an
27 employer must prove that the termination of employment was because

1 of circumstances other than the employee's attendance at the
2 hearing.

3 Sec. 65.064. SUBPOENA OF WITNESS. A witness may be
4 subpoenaed in accordance with the procedures for the subpoena of a
5 witness under the Code of Criminal Procedure.

6 Sec. 65.065. CHILD ALLEGED TO BE MENTALLY ILL. (a) A party
7 may make a motion requesting that a petition alleging a child to
8 have engaged in truant conduct be dismissed because the child has a
9 mental illness, as defined by Section 571.003, Health and Safety
10 Code. In response to the motion, the truancy court shall
11 temporarily stay the proceedings to determine whether probable
12 cause exists to believe the child has a mental illness. In making a
13 determination, the court may:

14 (1) consider the motion, supporting documents,
15 professional statements of counsel, and witness testimony; and

16 (2) observe the child.

17 (b) If the court determines that probable cause exists to
18 believe that the child has a mental illness, the court shall dismiss
19 the petition. If the court determines that evidence does not exist
20 to support a finding that the child has a mental illness, the court
21 shall dissolve the stay and continue with the truancy court
22 proceedings.

23 SUBCHAPTER C. ADJUDICATION HEARING AND REMEDIES

24 Sec. 65.101. ADJUDICATION HEARING; JUDGMENT. (a) A child
25 may be found to have engaged in truant conduct only after an
26 adjudication hearing conducted in accordance with the provisions of
27 this chapter.

1 (b) At the beginning of the adjudication hearing, the judge
2 of the truancy court shall explain to the child and the child's
3 parent, guardian, or guardian ad litem:

4 (1) the allegations made against the child;

5 (2) the nature and possible consequences of the
6 proceedings;

7 (3) the child's privilege against self-incrimination;

8 (4) the child's right to trial and to confrontation of
9 witnesses;

10 (5) the child's right to representation by an attorney
11 if the child is not already represented; and

12 (6) the child's right to a jury trial.

13 (c) Trial is by jury unless jury is waived in accordance
14 with Section 65.008. Jury verdicts under this chapter must be
15 unanimous.

16 (d) The Texas Rules of Evidence do not apply in a truancy
17 proceeding under this chapter except:

18 (1) when the judge hearing the case determines that a
19 particular rule of evidence applicable to criminal cases must be
20 followed to ensure that the proceedings are fair to all parties; or

21 (2) as otherwise provided by this chapter.

22 (e) A child alleged to have engaged in truant conduct need
23 not be a witness against nor otherwise incriminate himself or
24 herself. An extrajudicial statement of the child that was obtained
25 in violation of the constitution of this state or the United States
26 may not be used in an adjudication hearing. A statement made by the
27 child out of court is insufficient to support a finding of truant

1 conduct unless it is corroborated wholly or partly by other
2 evidence.

3 (f) At the conclusion of the adjudication hearing, the court
4 or jury shall find whether the child has engaged in truant conduct.
5 The finding must be based on competent evidence admitted at the
6 hearing. The child shall be presumed to have not engaged in truant
7 conduct and no finding that a child has engaged in truant conduct
8 may be returned unless the state has proved the conduct beyond a
9 reasonable doubt. In all jury cases the jury will be instructed
10 that the burden is on the state to prove that a child has engaged in
11 truant conduct beyond a reasonable doubt.

12 (g) If the court or jury finds that the child did not engage
13 in truant conduct, the court shall dismiss the case with prejudice.

14 (h) If the court or jury finds that the child did engage in
15 truant conduct, the court shall proceed to issue a judgment finding
16 the child has engaged in truant conduct and order the remedies the
17 court finds appropriate under Section 65.103. The jury is not
18 involved in ordering remedies for a child who has been adjudicated
19 as having engaged in truant conduct.

20 Sec. 65.102. REMEDIAL ACTIONS. (a) The truancy court
21 shall determine and order appropriate remedial actions in regard to
22 a child who has been found to have engaged in truant conduct.

23 (b) The truancy court shall orally pronounce the court's
24 remedial actions in the child's presence and enter those actions in
25 a written order.

26 (c) After pronouncing the court's remedial actions, the
27 court shall advise the child and the child's parent, guardian, or

1 guardian ad litem of:

2 (1) the child's right to appeal, as detailed in
3 Subchapter D; and

4 (2) the procedures for the sealing of the child's
5 records under Section 65.201.

6 Sec. 65.103. REMEDIAL ORDER. (a) A truancy court may
7 enter a remedial order requiring a child who has been found to have
8 engaged in truant conduct to:

9 (1) attend school without unexcused absences;

10 (2) attend a preparatory class for the high school
11 equivalency examination administered under Section 7.111,
12 Education Code, if the court determines that the individual is
13 unlikely to do well in a formal classroom environment due to the
14 individual's age;

15 (3) if the child is at least 16 years of age, take the
16 high school equivalency examination administered under Section
17 7.111, Education Code, if that is in the best interest of the child;

18 (4) attend a nonprofit, community-based special
19 program that the court determines to be in the best interest of the
20 child, including:

21 (A) an alcohol and drug abuse program;

22 (B) a rehabilitation program;

23 (C) a counseling program, including a
24 self-improvement program;

25 (D) a program that provides training in
26 self-esteem and leadership;

27 (E) a work and job skills training program;

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

3 (G) a program that provides training in manners;

4 (H) a program that provides training in violence
5 avoidance;

6 (I) a program that provides sensitivity
7 training; and

8 (J) a program that provides training in advocacy
9 and mentoring;

10 (5) complete not more than 50 hours of community
11 service on a project acceptable to the court; and

12 (6) participate for a specified number of hours in a
13 tutorial program covering the academic subjects in which the child
14 is enrolled that are provided by the school the child attends.

15 (b) A truancy court may not order a child who has been found
16 to have engaged in truant conduct to:

17 (1) attend a juvenile justice alternative education
18 program, a boot camp, or a for-profit truancy class; or

19 (2) perform more than 16 hours of community service
20 per week under this section.

21 (c) In addition to any other order authorized by this
22 section, a truancy court may order the Department of Public Safety
23 to suspend the driver's license or permit of a child who has been
24 found to have engaged in truant conduct. If the child does not have
25 a driver's license or permit, the court may order the Department of
26 Public Safety to deny the issuance of a license or permit to the
27 child. The period of the license or permit suspension or the order

1 that the issuance of a license or permit be denied may not extend
2 beyond the maximum time period that a remedial order is effective as
3 provided by Section 65.104.

4 Sec. 65.104. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A
5 truancy court's remedial order under Section 65.103 is effective
6 until the later of:

7 (1) the date specified by the court in the order, which
8 may not be later than the 180th day after the date the order is
9 entered; or

10 (2) the last day of the school year in which the order
11 was entered.

12 Sec. 65.105. ORDERS AFFECTING PARENTS AND OTHERS. (a) If
13 a child has been found to have engaged in truant conduct, the
14 truancy court may:

15 (1) order the child and the child's parent to attend a
16 class for students at risk of dropping out of school that is
17 designed for both the child and the child's parent;

18 (2) order any person found by the court to have, by a
19 wilful act or omission, contributed to, caused, or encouraged the
20 child's truant conduct to do any act that the court determines to be
21 reasonable and necessary for the welfare of the child or to refrain
22 from doing any act that the court determines to be injurious to the
23 child's welfare;

24 (3) enjoin all contact between the child and a person
25 who is found to be a contributing cause of the child's truant
26 conduct, unless that person is related to the child within the third
27 degree by consanguinity or affinity, in which case the court may

1 contact the Department of Family and Protective Services, if
2 necessary;

3 (4) after notice to, and a hearing with, all persons
4 affected, order any person living in the same household with the
5 child to participate in social or psychological counseling to
6 assist in the child's rehabilitation;

7 (5) order the child's parent or other person
8 responsible for the child's support to pay all or part of the
9 reasonable costs of treatment programs in which the child is
10 ordered to participate if the court finds the child's parent or
11 person responsible for the child's support is able to pay the costs;

12 (6) order the child's parent to attend a program for
13 parents of students with unexcused absences that provides
14 instruction designed to assist those parents in identifying
15 problems that contribute to the child's unexcused absences and in
16 developing strategies for resolving those problems; and

17 (7) order the child's parent to perform not more than
18 50 hours of community service with the child.

19 (b) A person subject to an order proposed under Subsection
20 (a) is entitled to a hearing before the order is entered by the
21 court.

22 (c) On a finding by the court that a child's parents have
23 made a reasonable good faith effort to prevent the child from
24 engaging in truant conduct and that, despite the parents' efforts,
25 the child continues to engage in truant conduct, the court shall
26 waive any requirement for community service that may be imposed on a
27 parent under this section.

1 Sec. 65.106. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY
2 SERVICE. (a) A municipality or county that establishes a program
3 to assist children and their parents in rendering community service
4 under this subchapter may purchase an insurance policy protecting
5 the municipality or county against a claim brought by a person other
6 than the child or the child's parent for a cause of action that
7 arises from an act of the child or parent while rendering the
8 community service. The municipality or county is not liable for the
9 claim to the extent that damages are recoverable under a contract of
10 insurance or under a plan of self-insurance authorized by statute.

11 (b) The liability of the municipality or county for a claim
12 that arises from an action of the child or the child's parent while
13 rendering community service may not exceed \$100,000 to a single
14 person and \$300,000 for a single occurrence in the case of personal
15 injury or death, and \$10,000 for a single occurrence of property
16 damage. Liability may not extend to punitive or exemplary damages.

17 (c) This section does not waive a defense, immunity, or
18 jurisdictional bar available to the municipality or county or its
19 officers or employees, nor shall this section be construed to
20 wave, repeal, or modify any provision of Chapter 101, Civil
21 Practice and Remedies Code.

22 Sec. 65.107. COURT COST. (a) If a child is found to have
23 engaged in truant conduct, the truancy court, after giving the
24 child, parent, or other person responsible for the child's support
25 a reasonable opportunity to be heard, shall order the child,
26 parent, or other person, if financially able to do so, to pay a
27 court cost of \$50 to the clerk of the court.

1 (b) The court's order to pay the \$50 court cost is not
2 effective unless the order is reduced to writing and signed by the
3 judge. The written order to pay the court cost may be part of the
4 court's order detailing the remedial actions in the case.

5 (c) The clerk of the court shall keep a record of the court
6 costs collected under this section and shall forward the funds to
7 the county treasurer, municipal treasurer, or person fulfilling the
8 role of a county treasurer or municipal treasurer, as appropriate.

9 (d) The court costs collected under this section shall be
10 deposited in a special account that can be used only to offset the
11 cost of the operations of the truancy court.

12 Sec. 65.108. HEARING TO MODIFY REMEDY. (a) A truancy
13 court may hold a hearing to modify any remedy imposed by the court.
14 A remedy may only be modified during the period the order is
15 effective under Section 65.104.

16 (b) There is no right to a jury at a hearing under this
17 section.

18 (c) A hearing to modify a remedy imposed by the court shall
19 be held on the petition of the state, the court, or the child and the
20 child's parent, guardian, guardian ad litem, or attorney.
21 Reasonable notice of a hearing to modify disposition shall be given
22 to all parties.

23 (d) Notwithstanding any other law, in considering a motion
24 to modify a remedy imposed by the court, the truancy court may
25 consider a written report from a school district official or
26 employee, juvenile case manager, or professional consultant in
27 addition to the testimony of witnesses. The court shall provide the

1 attorney for the child and the prosecuting attorney with access to
2 all written matters to be considered by the court. The court may
3 order counsel not to reveal items to the child or to the child's
4 parent, guardian, or guardian ad litem if the disclosure would
5 materially harm the treatment and rehabilitation of the child or
6 would substantially decrease the likelihood of receiving
7 information from the same or similar sources in the future.

8 (e) The truancy court shall pronounce in court, in the
9 presence of the child, the court's changes to the remedy, if any.
10 The court shall specifically state the new remedy and the court's
11 reasons for modifying the remedy in a written order. The court
12 shall furnish a copy of the order to the child.

13 Sec. 65.109. MOTION FOR NEW TRIAL. The order of a truancy
14 court may be challenged by filing a motion for new trial. Rules
15 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion
16 for new trial.

17 SUBCHAPTER D. APPEAL

18 Sec. 65.151. RIGHT TO APPEAL. (a) The child, the child's
19 parent or guardian, or the state may appeal any order of a truancy
20 court. A person subject to an order entered under Section 65.105
21 may appeal that order.

22 (b) An appeal from a truancy court shall be to a juvenile
23 court. The case must be tried de novo in the juvenile court. This
24 chapter applies to the de novo trial in the juvenile court. On
25 appeal, the judgment of the truancy court is vacated.

26 (c) A judgment of a juvenile court in a trial conducted
27 under Subsection (b) may be appealed in the same manner as an appeal

1 under Chapter 56.

2 Sec. 65.152. GOVERNING LAW. Rule 506, Texas Rules of Civil
3 Procedure, applies to the appeal of an order of a truancy court to a
4 juvenile court in the same manner as the rule applies to an appeal
5 of a judgment of a justice court to a county court, except an appeal
6 bond is not required.

7 Sec. 65.153. COUNSEL ON APPEAL. (a) A child may be
8 represented by counsel on appeal.

9 (b) If the child and the child's parent, guardian, or
10 guardian ad litem request an appeal, the attorney who represented
11 the child before the truancy court, if any, shall file a notice of
12 appeal with the court that will hear the appeal and inform that
13 court whether that attorney will handle the appeal.

14 (c) An appeal serves to vacate the order of the truancy
15 court.

16 SUBCHAPTER E. RECORDS

17 Sec. 65.201. SEALING OF RECORDS. (a) A child who has been
18 found to have engaged in truant conduct may apply, on or after the
19 child's 18th birthday, to the truancy court that made the finding to
20 seal the records relating to the allegation and finding of truant
21 conduct held by:

- 22 (1) the court;
23 (2) the truant conduct prosecutor; and
24 (3) the school district.

25 (b) The application must include the following information
26 or an explanation of why one or more of the following is not
27 included:

1 (1) the child's:

2 (A) full name;

3 (B) sex;

4 (C) race or ethnicity;

5 (D) date of birth;

6 (E) driver's license or identification card
7 number; and

8 (F) social security number;

9 (2) the dates on which the truant conduct was alleged
10 to have occurred; and

11 (3) if known, the cause number assigned to the
12 petition and the court and county in which the petition was filed.

13 (c) The truancy court shall order that the records be sealed
14 after determining the child complied with the remedies ordered by
15 the court in the case.

16 (d) All index references to the records of the truancy court
17 that are ordered sealed shall be deleted not later than the 30th day
18 after the date of the sealing order.

19 (e) A truancy court, clerk of the court, truant conduct
20 prosecutor, or school district shall reply to a request for
21 information concerning a child's sealed truant conduct case that no
22 record exists with respect to the child.

23 (f) Inspection of the sealed records may be permitted by an
24 order of the truancy court on the petition of the person who is the
25 subject of the records and only by those persons named in the order.

26 (g) A person whose records have been sealed under this
27 section is not required in any proceeding or in any application for

1 employment, information, or licensing to state that the person has
2 been the subject of a proceeding under this chapter. Any statement
3 that the person has never been found to have engaged in truant
4 conduct may not be held against the person in any criminal or civil
5 proceeding.

6 (h) On or after the fifth anniversary of a child's 16th
7 birthday, on the motion of the child or on the truancy court's own
8 motion, the truancy court may order the destruction of the child's
9 records that have been sealed under this section if the child has
10 not been convicted of a felony.

11 Sec. 65.202. CONFIDENTIALITY OF RECORDS. Records and files
12 created under this chapter may be disclosed only to:

13 (1) the judge of the truancy court, the truant conduct
14 prosecutor, and the staff of the judge and prosecutor;

15 (2) the child or an attorney for the child;

16 (3) a governmental agency if the disclosure is
17 required or authorized by law;

18 (4) a person or entity to whom the child is referred
19 for treatment or services if the agency or institution disclosing
20 the information has entered into a written confidentiality
21 agreement with the person or entity regarding the protection of the
22 disclosed information;

23 (5) the Texas Department of Criminal Justice and the
24 Texas Juvenile Justice Department for the purpose of maintaining
25 statistical records of recidivism and for diagnosis and
26 classification;

27 (6) the agency; or

1 (7) with leave of the truancy court, any other person,
2 agency, or institution having a legitimate interest in the
3 proceeding or in the work of the court.

4 Sec. 65.203. DESTRUCTION OF CERTAIN RECORDS. A truancy
5 court shall order the destruction of records relating to
6 allegations of truant conduct that are held by the court or by the
7 prosecutor if a prosecutor decides not to file a petition for an
8 adjudication of truant conduct after a review of the referral under
9 Section 65.053.

10 SUBCHAPTER F. ENFORCEMENT OF ORDERS

11 Sec. 65.251. FAILURE TO OBEY TRUANCY COURT ORDER; CHILD IN
12 CONTEMPT OF COURT. (a) If a child fails to obey an order issued by
13 a truancy court under Section 65.103(a) or a child is in direct
14 contempt of court, the truancy court, after providing notice and an
15 opportunity for a hearing, may hold the child in contempt of court
16 and order either or both of the following:

17 (1) that the child pay a fine not to exceed \$100; or

18 (2) that the Department of Public Safety suspend the
19 child's driver's license or permit or, if the child does not have a
20 license or permit, order that the Department of Public Safety deny
21 the issuance of a license or permit to the child until the child
22 fully complies with the court's orders.

23 (b) If a child fails to obey an order issued by a truancy
24 court under Section 65.103(a) or a child is in direct contempt of
25 court and the child has failed to obey an order or has been found in
26 direct contempt of court on two or more previous occasions, the
27 truancy court, after providing notice and an opportunity for a

1 hearing, may refer the child to the juvenile probation department
2 as a request for truancy intervention, unless the child failed to
3 obey the truancy court order or was in direct contempt of court
4 while 17 years of age or older.

5 (c) On referral of the child to the juvenile probation
6 department, the truancy court shall provide to the juvenile
7 probation department:

8 (1) documentation of all truancy prevention measures
9 taken by the originating school district;

10 (2) documentation of all truancy orders for each of
11 the child's previous truancy referrals, including:

12 (A) court remedies and documentation of the
13 child's failure to comply with the truancy court's orders, if
14 applicable, demonstrating all interventions that were exhausted by
15 the truancy court; and

16 (B) documentation describing the child's direct
17 contempt of court, if applicable;

18 (3) the name, birth date, and last known address of the
19 child and the school in which the child is enrolled; and

20 (4) the name and last known address of the child's
21 parent or guardian.

22 (d) The juvenile probation department may, on review of
23 information provided under Subsection (c):

24 (1) offer further remedies related to the local plan
25 for truancy intervention strategies adopted under Section 25.0916,
26 Education Code; or

27 (2) refer the child to a juvenile court for a hearing

1 to be conducted under Section 65.252.

2 (e) A truancy court may not order the confinement of a child
3 for the child's failure to obey an order of the court issued under
4 Section 65.103(a).

5 Sec. 65.252. PROCEEDINGS IN JUVENILE COURT. (a) After a
6 referral by the local juvenile probation department, the juvenile
7 court prosecutor shall determine if probable cause exists to
8 believe that the child engaged in direct contempt of court or failed
9 to obey an order of the truancy court under circumstances that would
10 constitute contempt of court. On a finding that probable cause
11 exists, the prosecutor shall determine whether to request an
12 adjudication. Not later than the 20th day after the date the
13 juvenile court receives a request for adjudication from the
14 prosecutor, the juvenile court shall conduct a hearing to determine
15 if the child engaged in conduct that constitutes contempt of the
16 order issued by the truancy court or engaged in direct contempt of
17 court.

18 (b) If the juvenile court finds that the child engaged in
19 conduct that constitutes contempt of the order issued by the
20 truancy court or direct contempt of court, the juvenile court
21 shall:

22 (1) enter an order requiring the child to comply with
23 the truancy court's order;

24 (2) forward a copy of the order to the truancy court
25 within five days; and

26 (3) admonish the child, orally and in writing, of the
27 consequences of subsequent referrals to the juvenile court,

1 including:

2 (A) a possible charge of delinquent conduct for
3 contempt of the truancy court's order or direct contempt of court;

4 and

5 (B) a possible detention hearing.

6 (c) If the juvenile court prosecutor finds that probable
7 cause does not exist to believe that the child engaged in direct
8 contempt or in conduct that constitutes contempt of the order
9 issued by the truancy court, or if the juvenile probation
10 department finds that extenuating circumstances caused the
11 original truancy referral, the juvenile court shall enter an order
12 requiring the child's continued compliance with the truancy court's
13 order and notify the truancy court not later than the fifth day
14 after the date the order is entered.

15 (d) This section does not limit the discretion of a juvenile
16 prosecutor or juvenile court to prosecute a child for conduct under
17 Section 51.03.

18 Sec. 65.253. PARENT OR OTHER PERSON IN CONTEMPT OF COURT.

19 (a) A truancy court may enforce the following orders by contempt:

20 (1) an order that a parent of a child, guardian of a
21 child, or any court-appointed guardian ad litem of a child attend an
22 adjudication hearing under Section 65.062(b);

23 (2) an order requiring a person other than a child to
24 take a particular action under Section 65.105(a);

25 (3) an order that a child's parent, or other person
26 responsible to support the child, reimburse the municipality or
27 county for the cost of the guardian ad litem appointed for the child

1 under Section 65.061(c); and

2 (4) an order that a parent, or person other than the
3 child, pay the \$50 court cost under Section 65.107.

4 (b) A truancy court may find a parent or person other than
5 the child in direct contempt of the court.

6 (c) The penalty for a finding of contempt under Subsection
7 (a) or (b) is a fine in an amount not to exceed \$100.

8 (d) In addition to the assessment of a fine under Subsection
9 (c), direct contempt of the truancy court by a parent or person
10 other than the child is punishable by:

11 (1) confinement in jail for a maximum of three days;

12 (2) a maximum of 40 hours of community service; or

13 (3) both confinement and community service.

14 Sec. 65.254. WRIT OF ATTACHMENT. A truancy court may issue
15 a writ of attachment for a person who violates an order entered
16 under Section 65.057(c). The writ of attachment is executed in the
17 same manner as in a criminal proceeding as provided by Chapter 24,
18 Code of Criminal Procedure.

19 Sec. 65.255. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT OR
20 OTHER ELIGIBLE PERSON. (a) The truancy court shall:

21 (1) provide notice to a person who is the subject of a
22 proposed truancy court order under Section 65.253; and

23 (2) provide a sufficient opportunity for the person to
24 be heard regarding the proposed order.

25 (b) A truancy court order under Section 65.253 must be in
26 writing and a copy promptly furnished to the parent or other
27 eligible person.

1 (c) The truancy court may require the parent or other
2 eligible person to provide suitable identification to be included
3 in the court's file. Suitable identification includes
4 fingerprints, a driver's license number, a social security number,
5 or similar indicia of identity.

6 Sec. 65.256. APPEAL. (a) The parent or other eligible
7 person against whom a final truancy court order has been entered
8 under Section 65.253 may appeal as provided by law from judgments
9 entered by a justice court in civil cases.

10 (b) Rule 506, Texas Rules of Civil Procedure, applies to an
11 appeal under this section, except an appeal bond is not required.

12 (c) The pendency of an appeal initiated under this section
13 does not abate or otherwise affect the proceedings in the truancy
14 court involving the child.

15 Sec. 65.257. MOTION FOR ENFORCEMENT. (a) The state may
16 initiate enforcement of a truancy court order under Section 65.253
17 against a parent or person other than the child by filing a written
18 motion. In ordinary and concise language, the motion must:

19 (1) identify the provision of the order allegedly
20 violated and sought to be enforced;

21 (2) state specifically and factually the manner of the
22 person's alleged noncompliance;

23 (3) state the relief requested; and

24 (4) contain the signature of the party filing the
25 motion.

26 (b) The state must allege the particular violation by the
27 person of the truancy court order that the state had a reasonable

1 basis for believing the person was violating when the motion was
2 filed.

3 (c) The truancy court may also initiate enforcement of an
4 order under this section on its own motion.

5 Sec. 65.258. NOTICE AND APPEARANCE. (a) On the filing of a
6 motion for enforcement, the truancy court shall by written notice
7 set the date, time, and place of the hearing and order the person
8 against whom enforcement is sought to appear and respond to the
9 motion.

10 (b) The notice must be given by personal service or by
11 certified mail, return receipt requested, on or before the 10th day
12 before the date of the hearing on the motion. The notice must
13 include a copy of the motion for enforcement. Personal service must
14 comply with the Code of Criminal Procedure.

15 (c) If a person moves to strike or specially excepts to the
16 motion for enforcement, the truancy court shall rule on the
17 exception or motion to strike before the court hears evidence on the
18 motion for enforcement. If an exception is sustained, the court
19 shall give the movant an opportunity to replead and continue the
20 hearing to a designated date and time without the requirement of
21 additional service.

22 (d) If a person who has been personally served with notice
23 to appear at the hearing does not appear, the truancy court may not
24 hold the person in contempt, but may issue a warrant for the arrest
25 of the person.

26 Sec. 65.259. CONDUCT OF ENFORCEMENT HEARING. (a) The
27 movant must prove beyond a reasonable doubt that the person against

1 whom enforcement is sought engaged in conduct constituting contempt
2 of a reasonable and lawful court order as alleged in the motion for
3 enforcement.

4 (b) The person against whom enforcement is sought has a
5 privilege not to be called as a witness or otherwise to incriminate
6 himself or herself.

7 (c) The truancy court shall conduct the enforcement hearing
8 without a jury.

9 (d) The truancy court shall include in the court's judgment:

10 (1) findings for each violation alleged in the motion
11 for enforcement; and

12 (2) the punishment, if any, to be imposed.

13 (e) If the person against whom enforcement is sought was not
14 represented by counsel during any previous court proceeding
15 involving a motion for enforcement, the person may, through
16 counsel, raise any defense or affirmative defense to the proceeding
17 that could have been asserted in the previous court proceeding that
18 was not asserted because the person was not represented by counsel.

19 (f) It is an affirmative defense to enforcement of a truancy
20 court order under Section 65.253 that the court did not provide the
21 parent or other eligible person with due process of law in the
22 proceeding in which the court entered the order.

23 SECTION 28. Section 264.304(c), Family Code, is amended to
24 read as follows:

25 (c) The court shall determine that the child is an at-risk
26 child if the court finds that the child has engaged in the following
27 conduct:

1 (1) conduct, other than a traffic offense and except
2 as provided by Subsection (d), that violates:

3 (A) the penal laws of this state; or

4 (B) the penal ordinances of any political
5 subdivision of this state;

6 (2) the unexcused voluntary absence of the child on 10
7 or more days or parts of days within a six-month period [~~or three or~~
8 ~~more days or parts of days within a four-week period~~] from school
9 without the consent of the child's parent, managing conservator, or
10 guardian;

11 (3) the voluntary absence of the child from the child's
12 home without the consent of the child's parent, managing
13 conservator, or guardian for a substantial length of time or
14 without intent to return;

15 (4) conduct that violates the laws of this state
16 prohibiting driving while intoxicated or under the influence of
17 intoxicating liquor (first or second offense) or driving while
18 under the influence of any narcotic drug or of any other drug to a
19 degree that renders the child incapable of safely driving a vehicle
20 (first or second offense); or

21 (5) conduct that evidences a clear and substantial
22 intent to engage in any behavior described by Subdivisions (1)-(4).

23 SECTION 29. Section 26.045(d), Government Code, is amended
24 to read as follows:

25 (d) A county court in a county with a population of 1.75
26 million or more has original jurisdiction over cases alleging a
27 violation of Section 25.093 [~~or 25.094~~], Education Code, or

1 alleging truant conduct under Section 65.003(a), Family Code.

2 SECTION 30. Section 29.003(i), Government Code, is amended
3 to read as follows:

4 (i) A municipality may enter into an agreement with a
5 contiguous municipality or a municipality with boundaries that are
6 within one-half mile of the municipality seeking to enter into the
7 agreement to establish concurrent jurisdiction of the municipal
8 courts in the municipalities and provide original jurisdiction to a
9 municipal court in which a case is brought as if the municipal court
10 were located in the municipality in which the case arose, for:

11 (1) all cases in which either municipality has
12 jurisdiction under Subsection (a); and

13 (2) cases that arise under Section 821.022, Health and
14 Safety Code, or Section 65.003(a) [~~25.094~~], Family [~~Education~~]
15 Code.

16 SECTION 31. Subtitle B, Title 2, Government Code, is
17 amended by adding Chapter 36 to read as follows:

18 CHAPTER 36. JUDICIAL DONATION TRUST FUNDS

19 Sec. 36.001. ESTABLISHMENT OF TRUST FUNDS. (a) The
20 governing body of a municipality or the commissioners court of a
21 county may establish a judicial donation trust fund as a separate
22 account held outside the municipal or county treasury to be used in
23 accordance with this chapter.

24 (b) The governing body of a municipality or the
25 commissioners court of a county may accept a gift, grant, donation,
26 or other consideration from a public or private source that is
27 designated for the judicial donation trust fund.

1 (c) Money received under Subsection (b) shall be deposited
2 in the judicial donation trust fund and may only be disbursed in
3 accordance with this chapter.

4 (d) Interest and income from the assets of the judicial
5 donation trust fund shall be credited to and deposited in the trust
6 fund.

7 Sec. 36.002. PROCEDURES AND ELIGIBILITY. The governing
8 body of a municipality or the commissioners court of a county shall:

9 (1) adopt the procedures necessary to receive and
10 disburse money from the judicial donation trust fund under this
11 chapter; and

12 (2) establish eligibility requirements for
13 disbursement of money under this chapter to assist needy children
14 or families who appear before a county, justice, or municipal court
15 for a criminal offense or truant conduct, as applicable, by
16 providing money for resources and services that eliminate barriers
17 to school attendance or that seek to prevent criminal behavior.

18 Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a
19 county, justice, or municipal court, in accordance with Section
20 36.002, may award money from a judicial donation trust fund
21 established under Section 36.001 to eligible children or families
22 who appear before the court for a truancy or curfew violation or in
23 another misdemeanor offense proceeding before the court.

24 (b) A judge of a county, justice, or municipal court may
25 order the municipal or county treasurer to issue payment from the
26 judicial donation trust fund for money awarded under this section.

27 SECTION 32. Section [54.1172](#)(a), Government Code, is amended

1 to read as follows:

2 (a) The county judge may appoint one or more part-time or
3 full-time magistrates to hear a matter alleging a violation of
4 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant
5 conduct under Section 65.003(a), Family Code.

6 SECTION 33. Section 54.1952(a), Government Code, is amended
7 to read as follows:

8 (a) The county judge may appoint one or more part-time or
9 full-time magistrates to hear a matter alleging a violation of
10 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant
11 conduct under Section 65.003(a), Family Code, referred to the
12 magistrate by a court having jurisdiction over the matter.

13 SECTION 34. Section 54.1955, Government Code, is amended to
14 read as follows:

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

- 17 (1) conduct hearings;
- 18 (2) hear evidence;
- 19 (3) issue summons for the appearance of witnesses;
- 20 (4) examine witnesses;
- 21 (5) swear witnesses for hearings;
- 22 (6) recommend rulings or orders or a judgment in a
23 case;

24 (7) regulate proceedings in a hearing;

25 (8) accept a plea of guilty or nolo contendere in a
26 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
27 Code, and assess a fine or court costs or order community service in

1 satisfaction of a fine or costs in accordance with Article 45.049,
2 Code of Criminal Procedure;

3 (9) for a violation of Section 25.093, Education Code,
4 enter an order suspending a sentence or deferring a final
5 disposition that includes at least one of the requirements listed
6 in Article 45.051, Code of Criminal Procedure;

7 (10) for an uncontested adjudication of truant conduct
8 under Section 65.003, Family Code, accept a plea to the petition or
9 a stipulation of evidence, and take any other action authorized
10 under Chapter 65, Family Code; and

11 (11) perform any act and take any measure necessary
12 and proper for the efficient performance of the duties required by
13 the referral order, including the entry of an order that includes at
14 least one of the remedial options [~~requirements~~] in Section 65.103,
15 Family Code [~~Article 45.054, Code of Criminal Procedure, and~~

16 [~~(11) if the magistrate finds that a child as defined~~
17 ~~by Article 45.058, Code of Criminal Procedure, has violated an~~
18 ~~order under Article 45.054, Code of Criminal Procedure, proceed as~~
19 ~~authorized by Article 45.050, Code of Criminal Procedure].~~

20 (b) With respect to an issue of law or fact the ruling on
21 which could result in the dismissal of a prosecution under Section
22 25.093 [~~or 25.094~~], Education Code, or a case of truant conduct
23 under Section 65.003, Family Code, a magistrate may not rule on the
24 issue but may make findings, conclusions, and recommendations on
25 the issue.

26 SECTION 35. Section 54.1956, Government Code, is amended to
27 read as follows:

1 Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED
2 CONDUCT. (a) On entry of a not guilty plea for a violation of
3 Section 25.093, Education Code, the magistrate shall refer the case
4 back to the referring court for all further pretrial proceedings
5 and a full trial on the merits before the court or a jury.

6 (b) On denial by a child of truant conduct, as defined by
7 Section 65.003(a), Family Code, the magistrate shall refer the case
8 to the appropriate truancy court for adjudication.

9 SECTION 36. Section 71.0352, Government Code, is amended to
10 read as follows:

11 Sec. 71.0352. JUVENILE DATA [~~DATE~~]: JUSTICE, MUNICIPAL,
12 AND TRUANCY [~~JUVENILE~~] COURTS. As a component of the official
13 monthly report submitted to the Office of Court Administration of
14 the Texas Judicial System:

15 (1) a justice court, [and] municipal court, or truancy
16 court [courts] shall report the number of cases filed for [~~the~~
17 ~~following offenses~~]:

18 (A) truant conduct under Section 65.003(a),
19 Family Code [~~failure to attend school under Section 25.094,~~
20 ~~Education Code~~];

21 (B) the offense of parent contributing to
22 nonattendance under Section 25.093, Education Code; and

23 (C) a violation of a local daytime curfew
24 ordinance adopted under Section 341.905 or 351.903, Local
25 Government Code; and

26 (2) in cases in which a child fails to obey an order of
27 a justice court, [or] municipal court, or truancy court under

1 circumstances that would constitute contempt of court, the justice
2 court, ~~[or]~~ municipal court, or truancy court shall report the
3 number of incidents in which the child is:

4 (A) referred to the appropriate juvenile court
5 for delinquent conduct as provided by Article 45.050(c)(1), Code of
6 Criminal Procedure, or ~~[and]~~ Section 65.251 ~~[51.03(a)(2)]~~, Family
7 Code; or

8 (B) held in contempt, fined, or denied driving
9 privileges as provided by Article 45.050(c)(2), Code of Criminal
10 Procedure, or Section 65.251, Family Code.

11 SECTION 37. Section 102.021, Government Code, is amended to
12 read as follows:

13 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
14 PROCEDURE. A person convicted of an offense shall pay the following
15 under the Code of Criminal Procedure, in addition to all other
16 costs:

17 (1) court cost on conviction of any offense, other
18 than a conviction of an offense relating to a pedestrian or the
19 parking of a motor vehicle (Art. 102.0045, Code of Criminal
20 Procedure) . . . \$4;

21 (2) a fee for services of prosecutor (Art. 102.008,
22 Code of Criminal Procedure) . . . \$25;

23 (3) fees for services of peace officer:

24 (A) issuing a written notice to appear in court
25 for certain violations (Art. 102.011, Code of Criminal Procedure)
26 . . . \$5;

27 (B) executing or processing an issued arrest

1 warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal
2 Procedure) . . . \$50;

3 (C) summoning a witness (Art. 102.011, Code of
4 Criminal Procedure) . . . \$5;

5 (D) serving a writ not otherwise listed (Art.
6 102.011, Code of Criminal Procedure) . . . \$35;

7 (E) taking and approving a bond and, if
8 necessary, returning the bond to courthouse (Art. 102.011, Code of
9 Criminal Procedure) . . . \$10;

10 (F) commitment or release (Art. 102.011, Code of
11 Criminal Procedure) . . . \$5;

12 (G) summoning a jury (Art. 102.011, Code of
13 Criminal Procedure) . . . \$5;

14 (H) attendance of a prisoner in habeas corpus
15 case if prisoner has been remanded to custody or held to bail (Art.
16 102.011, Code of Criminal Procedure) . . . \$8 each day;

17 (I) mileage for certain services performed (Art.
18 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

19 (J) services of a sheriff or constable who serves
20 process and attends examining trial in certain cases (Art. 102.011,
21 Code of Criminal Procedure) . . . not to exceed \$5;

22 (4) services of a peace officer in conveying a witness
23 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
24 \$10 per day or part of a day, plus actual necessary travel expenses;

25 (5) overtime of peace officer for time spent
26 testifying in the trial or traveling to or from testifying in the
27 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

1 (6) court costs on an offense relating to rules of the
2 road, when offense occurs within a school crossing zone (Art.
3 [102.014](#), Code of Criminal Procedure) . . . \$25;

4 (7) court costs on an offense of passing a school bus
5 (Art. [102.014](#), Code of Criminal Procedure) . . . \$25;

6 (8) court costs on an offense of parent contributing
7 to student nonattendance [~~truancy or contributing to truancy~~] (Art.
8 [102.014](#), Code of Criminal Procedure) . . . \$20;

9 (9) cost for visual recording of intoxication arrest
10 before conviction (Art. [102.018](#), Code of Criminal Procedure) . . .
11 \$15;

12 (10) cost of certain evaluations (Art. [102.018](#), Code
13 of Criminal Procedure) . . . actual cost;

14 (11) additional costs attendant to certain
15 intoxication convictions under Chapter 49, Penal Code, for
16 emergency medical services, trauma facilities, and trauma care
17 systems (Art. [102.0185](#), Code of Criminal Procedure) . . . \$100;

18 (12) additional costs attendant to certain child
19 sexual assault and related convictions, for child abuse prevention
20 programs (Art. [102.0186](#), Code of Criminal Procedure) . . . \$100;

21 (13) court cost for DNA testing for certain felonies
22 (Art. [102.020\(a\)\(1\)](#), Code of Criminal Procedure) . . . \$250;

23 (14) court cost for DNA testing for the offense of
24 public lewdness or indecent exposure (Art. [102.020\(a\)\(2\)](#), Code of
25 Criminal Procedure) . . . \$50;

26 (15) court cost for DNA testing for certain felonies
27 (Art. [102.020\(a\)\(3\)](#), Code of Criminal Procedure) . . . \$34;

1 (16) if required by the court, a restitution fee for
2 costs incurred in collecting restitution installments and for the
3 compensation to victims of crime fund (Art. 42.037, Code of
4 Criminal Procedure) . . . \$12;

5 (17) if directed by the justice of the peace or
6 municipal court judge hearing the case, court costs on conviction
7 in a criminal action (Art. 45.041, Code of Criminal Procedure)
8 . . . part or all of the costs as directed by the judge; and

9 (18) costs attendant to convictions under Chapter 49,
10 Penal Code, and under Chapter 481, Health and Safety Code, to help
11 fund drug court programs established under Chapter 122, 123, 124,
12 or 125, Government Code, or former law (Art. 102.0178, Code of
13 Criminal Procedure) . . . \$60.

14 SECTION 38. Section 103.021, Government Code, is amended to
15 read as follows:

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

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

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

27 (3) a fee for verification of and monitoring of motor

1 vehicle ignition interlock (Art. 17.441, Code of Criminal
2 Procedure) . . . not to exceed \$10;

3 (3-a) costs associated with operating a global
4 positioning monitoring system as a condition of release on bond
5 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
6 subject to a determination of indigency;

7 (3-b) costs associated with providing a defendant's
8 victim with an electronic receptor device as a condition of the
9 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
10 Procedure) . . . actual costs, subject to a determination of
11 indigency;

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

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

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

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

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

26 (9) community supervision fee (Art. 42.12, Code of
27 Criminal Procedure) . . . not less than \$25 or more than \$60 per

1 month;

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

5 (11) for certain financially able sex offenders as a
6 condition of community supervision, the costs of treatment,
7 specialized supervision, or rehabilitation (Art. 42.12, Code of
8 Criminal Procedure) . . . all or part of the reasonable and
9 necessary costs of the treatment, supervision, or rehabilitation as
10 determined by the judge;

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

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

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

21 (15) an additional fee:

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

27 (B) as an administrative fee for requesting a

1 driving safety course or a course under the motorcycle operator
2 training and safety program for certain traffic offenses to cover
3 the cost of administering the article (Art. 45.0511(f)(1), Code of
4 Criminal Procedure) . . . not to exceed \$10; or

5 (C) for requesting a driving safety course or a
6 course under the motorcycle operator training and safety program
7 before the final disposition of the case (Art. 45.0511(f)(2), Code
8 of Criminal Procedure) . . . not to exceed the maximum amount of the
9 fine for the offense committed by the defendant;

10 (16) a request fee for teen court program (Art.
11 45.052, Code of Criminal Procedure) . . . \$20, if the court
12 ordering the fee is located in the Texas-Louisiana border region,
13 but otherwise not to exceed \$10;

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

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

21 (19) certified mailing of notice of hearing date (Art.
22 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

23 (20) certified mailing of certified copies of an order
24 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
25 plus postage;

26 (20-a) a fee to defray the cost of notifying state
27 agencies of orders of expungement (Art. 45.0216, Code of Criminal

1 Procedure) . . . \$30 per application;

2 ~~[(20-b) a fee to defray the cost of notifying state~~
3 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~
4 ~~Procedure) . . . \$30 per application,]~~

5 (21) sight orders:

6 (A) if the face amount of the check or sight order
7 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
8 . . . not to exceed \$10;

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

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

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

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

21 (22) fees for a pretrial intervention program:

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

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

27 (23) parking fee violations for child safety fund in

1 municipalities with populations:

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

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

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

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

15 SECTION 39. Subchapter B, Chapter 103, Government Code, is
16 amended by adding Section 103.035 to read as follows:

17 Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: FAMILY
18 CODE. A party to a truancy case in a truancy court shall pay court
19 costs of \$50 under Section 65.107, Family Code, if ordered by the
20 truancy court.

21 SECTION 40. Section 81.032, Local Government Code, is
22 amended to read as follows:

23 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The
24 commissioners court may accept a gift, grant, donation, bequest, or
25 devise of money or other property on behalf of the county, including
26 a donation under Chapter 36, Government Code, for the purpose of
27 performing a function conferred by law on the county or a county

1 officer.

2 SECTION 41. The following laws are repealed:

3 (1) Articles 45.054 and 45.055, Code of Criminal
4 Procedure;

5 (2) Sections 25.094 and 25.0916(d), Education Code;
6 and

7 (3) Sections 51.03(d), (e-1), and (g), 51.04(h),
8 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1),
9 Family Code.

10 SECTION 42. The changes in law made by this Act apply only
11 to an offense committed or conduct that occurs on or after the
12 effective date of this Act. An offense committed or conduct that
13 occurs before the effective date of this Act is governed by the law
14 in effect on the date the offense was committed or the conduct
15 occurred, and the former law is continued in effect for that
16 purpose. For purposes of this section, an offense is committed or
17 conduct occurs before the effective date of this Act if any element
18 of the offense or conduct occurs before that date.

19 SECTION 43. To the extent of any conflict, this Act prevails
20 over another Act of the 84th Legislature, Regular Session, 2015,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 44. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2398 was passed by the House on May 13, 2015, by the following vote: Yeas 140, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2398 on May 27, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2398 on May 30, 2015, by the following vote: Yeas 118, Nays 27, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2398

I certify that H.B. No. 2398 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 27, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2398 on May 30, 2015, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor