

By: White of Tyler

H.B. No. 2398

Substitute the following for H.B. No. 2398:

By: Dutton

C.S.H.B. No. 2398

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment of judicial donation trust funds to  
3 assist needy children and families appearing before justice and  
4 municipal courts, dismissal of charges related to school  
5 attendance, and expunction of truancy records.

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

7 SECTION 1. Subtitle B, Title 2, Government Code, is amended  
8 by adding Chapter 36 to read as follows:

9 CHAPTER 36. JUDICIAL DONATION TRUST FUNDS

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

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

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

22 (d) Interest and income from the assets of the judicial  
23 donation trust fund shall be credited to and deposited in the trust  
24 fund.

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

3           (1) adopt the procedures necessary to receive and  
4 disburse money from the judicial donation trust fund under this  
5 chapter; and

6           (2) establish eligibility requirements for  
7 disbursement of money under this chapter to assist needy children  
8 or families who appear before a justice or municipal court for a  
9 criminal offense, as applicable, by providing money for resources  
10 and services that eliminate barriers to school attendance or that  
11 seek to prevent criminal behavior.

12       Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a  
13 justice or municipal court, in accordance with Section 36.002, may  
14 award money from a judicial donation trust fund established under  
15 Section 36.001 to eligible children or families who appear before  
16 the court for a truancy or curfew violation or in another  
17 misdemeanor offense proceeding before the court.

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

21       SECTION 2. Subchapter B, Chapter 45, Code of Criminal  
22 Procedure, is amended by adding Article 45.0531 to read as follows:

23       Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO  
24 NONATTENDANCE OR FAILURE TO ATTEND SCHOOL CHARGE. Notwithstanding  
25 any other law, a county, justice, or municipal court, at the court's  
26 discretion, may dismiss a charge against a defendant alleging the  
27 defendant committed an offense under Section 25.093 or 25.094,

1 Education Code, if the court finds that a dismissal would be in the  
2 interest of justice because:

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

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

7 SECTION 3. Subchapter B, Chapter 45, Code of Criminal  
8 Procedure, is amended by adding Article 45.0541 to read as follows:

9 Art. 45.0541. AUTOMATIC EXPUNCTION OF TRUANCY RECORDS. (a)  
10 In this article, "truancy offense" means an offense committed under  
11 Section 25.094, Education Code.

12 (b) An individual who has been convicted of a truancy  
13 offense or has had a complaint for a truancy offense dismissed is  
14 entitled to have the conviction or complaint and records relating  
15 to the conviction or complaint automatically expunged.

16 (c) The court in which the individual was convicted or a  
17 complaint for a truancy offense was filed shall order the  
18 conviction, complaints, verdicts, sentences, and other documents  
19 relating to the offense, including any documents in the possession  
20 of a school district or law enforcement agency, to be expunged from  
21 the individual's record. After entry of the order, the individual  
22 is released from all disabilities resulting from the conviction or  
23 complaint, and the conviction or complaint may not be shown or made  
24 known for any purpose. The court shall inform the individual of the  
25 expunction.

26 SECTION 4. Section 54.03, Family Code, is amended by adding  
27 Subsection (g-1) to read as follows:

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

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

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

10        SECTION 5. Section 81.032, Local Government Code, is  
11 amended to read as follows:

12        Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The  
13 commissioners court may accept a gift, grant, donation, bequest, or  
14 devise of money or other property on behalf of the county, including  
15 a donation under Chapter 36, Government Code, for the purpose of  
16 performing a function conferred by law on the county or a county  
17 officer.

18        SECTION 6. (a) Article 45.0531, Code of Criminal  
19 Procedure, as added by this Act, applies only to an offense  
20 committed on or after the effective date of this Act. An offense  
21 committed before the effective date of this Act is governed by the  
22 law in effect on the date the offense was committed, and the former  
23 law is continued in effect for that purpose. For purposes of this  
24 section, an offense was committed before the effective date of this  
25 Act if any element of the offense was committed before that date.

26        (b) Section 54.03(g-1), Family Code, as added by this Act,  
27 applies only to conduct that occurs on or after the effective date

1 of this Act. Conduct that occurs before the effective date of this  
2 Act is governed by the law in effect at the time the conduct  
3 occurred, and the former law is continued in effect for that  
4 purpose. For the purposes of this section, conduct occurs before  
5 the effective date of this Act if any element of the conduct  
6 occurred before that date.

7 SECTION 7. Article 45.0541, Code of Criminal Procedure, as  
8 added by this Act, applies to the expunction or destruction of a  
9 truancy record or file existing on or after the effective date of  
10 this Act regardless of when the offense or conduct that is the  
11 subject of the record or file was committed.

12 SECTION 8. This Act takes effect September 1, 2015.