

By: Whitmire, et al.

S.B. No. 106

A BILL TO BE ENTITLED

AN ACT

relating to court jurisdiction and procedures relating to truancy;
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) for a person applying for the expunction of a

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

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

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

- 12 (1) Chapter 106, Alcoholic Beverage Code; or
13 (2) Chapter 161, Health and Safety Code [~~or~~
14 [~~(3) Section 25.094, Education Code~~].

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

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

20 (b) An individual who has been convicted of a truancy
21 offense or has had a complaint for a truancy offense dismissed is
22 entitled to have the conviction or complaint and records relating
23 to the conviction or complaint expunged.

24 (c) Regardless of whether the individual has filed a
25 petition for expunction, the court in which the individual was
26 convicted or a complaint for a truancy offense was filed shall order
27 the conviction, complaints, verdicts, sentences, and other

1 documents relating to the offense, including any documents in the
2 possession of a school district or law enforcement agency, to be
3 expunged from the individual's record. After entry of the order,
4 the individual is released from all disabilities resulting from the
5 conviction or complaint, and the conviction or complaint may not be
6 shown or made known for any purpose. The court shall inform the
7 individual of the expunction by sending a notice to the
8 individual's last known address.

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

13 (a) On approval of the commissioners court, city council,
14 school district board of trustees, juvenile board, or other
15 appropriate authority, a county court, justice court, municipal
16 court, school district, juvenile probation department, or other
17 appropriate governmental entity may:

18 (1) employ a case manager to provide services in cases
19 involving juvenile offenders who are before a court consistent with
20 the court's statutory powers or referred to a court by a school
21 administrator or designee for misconduct that would otherwise be
22 within the court's statutory powers prior to a case being filed,
23 with the consent of the juvenile and the juvenile's parents or
24 guardians;

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

26 (A) shall assist the court in administering the
27 court's juvenile docket and in supervising the court's orders in

1 juvenile cases; and

2 (B) may provide:

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

5 (ii) intervention services to juveniles
6 engaged in misconduct before cases are filed, excluding traffic
7 offenses; or

8 (3) agree in accordance with Chapter 791, Government
9 Code, with any appropriate governmental entity to jointly employ a
10 case manager or to jointly contribute to the costs of a case manager
11 employed by one governmental entity to provide services described
12 by Subdivisions (1) and (2).

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

15 (d) A person convicted of an offense under Section 25.093
16 [~~or 25.094~~], Education Code, shall pay as taxable court costs \$20 in
17 addition to other taxable court costs. The additional court costs
18 under this subsection shall be collected in the same manner that
19 other fines and taxable court costs in the case are collected.

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

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

26 (b) Section 7.111(a-1), Education Code, is amended to
27 conform to the amendment of Section 7.111(a), Education Code, by

1 Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular
2 Session, 2013, and is further amended to read as follows:

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

6 (1) over 17 years of age;

7 (2) 16 years of age or older and:

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

11 (B) a public agency providing supervision of the
12 person or having custody of the person under a court order
13 recommends that the person take the examination; or

14 (C) is enrolled in the Texas Military
15 Department's [~~adjutant general's department's~~] Seaborne Challenge
16 Corps; or

17 (3) required to take the examination under a court
18 order issued under Section 25A.103(a)(3).

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

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

26 (e) A person who voluntarily enrolls in school or
27 voluntarily attends school after the person's 19th [~~18th~~] birthday

1 shall attend school each school day for the entire period the
2 program of instruction is offered. A school district may revoke for
3 the remainder of the school year the enrollment of a person who has
4 more than five absences in a semester that are not excused under
5 Section [25.087](#), except a school district may not revoke the
6 enrollment of a person under this subsection on a day on which the
7 person is physically present at school. A person whose enrollment
8 is revoked under this subsection may be considered an unauthorized
9 person on school district grounds for purposes of Section [37.107](#).

10 (f) The board of trustees of a school district may adopt a
11 policy requiring a person described by Subsection (e) who is under
12 21 years of age to attend school until the end of the school year.
13 Section [25A.003\(a\)](#) does not apply [~~25.094 applies~~] to a person
14 subject to a policy adopted under this subsection. Sections [25.093](#)
15 and [25.095](#) do not apply to the parent of a person subject to a policy
16 adopted under this subsection.

17 (g) After the third unexcused absence of a person described
18 by Subsection (e), a school district shall issue a warning letter to
19 the person that states the person's enrollment may be revoked for
20 the remainder of the school year if the person has more than five
21 unexcused absences in a semester.

22 (h) As an alternative to revoking a person's enrollment
23 under Subsection (e), a school district may impose a behavior
24 improvement plan described by Section [25.0915\(a-1\)\(1\)](#).

25 SECTION 8. Sections [25.091\(a\)](#) and (b), Education Code, are
26 amended to read as follows:

27 (a) A peace officer serving as an attendance officer has the

1 following powers and duties concerning enforcement of compulsory
2 school attendance requirements:

3 (1) to investigate each case of a violation of
4 compulsory school attendance requirements referred to the peace
5 officer;

6 (2) to enforce compulsory school attendance
7 requirements by:

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

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

12 (i) referring the student to a truancy
13 court [~~juvenile court or filing a complaint against the student in a~~
14 ~~county, justice, or municipal court~~] if the student has unexcused
15 absences for the amount of time specified under Section 25A.003(a)
16 [~~25.094 or under Section 51.03(b)(2), Family Code~~]; or

17 (ii) filing a complaint in a county,
18 justice, or municipal court against a parent who violates Section
19 25.093;

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

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

23 (5) to maintain an investigative record on each
24 compulsory school attendance requirement violation and related
25 court action and, at the request of a court, the board of trustees
26 of a school district, or the commissioner, to provide a record to
27 the individual or entity requesting the record; and

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

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

11 (b) An attendance officer employed by a school district who
12 is not commissioned as a peace officer has the following powers and
13 duties with respect to enforcement of compulsory school attendance
14 requirements:

15 (1) to investigate each case of a violation of the
16 compulsory school attendance requirements referred to the
17 attendance officer;

18 (2) to enforce compulsory school attendance
19 requirements by:

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

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

24 (i) referring the student to a truancy
25 court [~~juvenile court or filing a complaint against the student in a~~
26 ~~county, justice, or municipal court]~~ if the student has unexcused
27 absences for the amount of time specified under Section 25A.003(a)

1 ~~[25.094 or under Section 51.03(b)(2), Family Code]~~; and

2 (ii) filing a complaint in a county,
3 justice, or municipal court against a parent who violates Section
4 25.093;

5 (3) to monitor school attendance compliance by each
6 student investigated by the officer;

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

12 (5) to make a home visit or otherwise contact the
13 parent of a student who is in violation of compulsory school
14 attendance requirements, except that the attendance officer may not
15 enter a residence without permission of the parent or of the owner
16 or tenant of the residence; and

17 (6) at the request of a parent, to escort a student
18 from any location to a school campus to ensure the student's
19 compliance with compulsory school attendance requirements~~;~~ and

20 ~~[(7) if the attendance officer has or is informed of a
21 court-ordered legal process directing that a student be taken into
22 custody and the school district employing the officer does not
23 employ its own police department, to contact the sheriff,
24 constable, or any peace officer to request that the student be taken
25 into custody and processed according to the legal process].~~

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

1 Sec. 25.0915. TRUANCY PREVENTION MEASURES [~~REFERRAL AND~~
2 ~~FILING REQUIREMENT~~]. (a) A school district shall adopt truancy
3 prevention measures designed to:

4 (1) address student conduct related to truancy in the
5 school setting before the student engages in conduct described by
6 Section 25A.003(a); and

7 (2) minimize the need for referrals to truancy
8 [juvenile] court for conduct described by Section 25A.003(a)
9 [51.03(b)(2), Family Code; and

10 ~~[(3) minimize the filing of complaints in county,~~
11 ~~justice, and municipal courts alleging a violation of Section~~
12 ~~25.094].~~

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

15 (1) impose:

16 (A) a behavior improvement plan on the student
17 that must be signed by an employee of the school, that the school
18 district has made a good faith effort to have signed by the student
19 and the student's parent or guardian, and that includes:

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

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

25 (iii) the penalties for additional
26 absences, including additional disciplinary action or the referral
27 of the student to a truancy court; or

1 (B) school-based community service; or
2 (2) refer the student to counseling, community-based
3 services, or other in-school or out-of-school services aimed at
4 addressing the student's truancy.

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

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

10 (1) pregnancy;

11 (2) being in the state foster program;

12 (3) homelessness; or

13 (4) being the principal income earner for the
14 student's family.

15 (a-4) If a student fails to attend school without excuse on
16 three or more days or parts of days within a four-week period but
17 does not fail to attend school for the time described by Section
18 25.0951(a), the school district shall initiate truancy prevention
19 measures under this section on the student.

20 (b) Each referral to truancy [~~juvenile~~] court for conduct
21 described by Section 25A.003(a) [~~51.03(b)(2), Family Code, or~~
22 ~~complaint filed in county, justice, or municipal court alleging a~~
23 ~~violation by a student of Section 25.094] must:~~

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

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

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

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

5 (c) A truancy court shall dismiss a petition filed by a
6 truancy conduct prosecutor under Section 25A.054 if the court
7 determines that the school district's referral:

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

11 (2) does not satisfy the elements required for truancy
12 conduct;

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

15 (4) is otherwise substantively defective.

16 (d) Except as provided by Subsection (e), a school district
17 shall employ a truancy prevention facilitator or juvenile case
18 manager to implement the truancy prevention measures required by
19 this section and any other effective truancy prevention measures as
20 determined by the school district or campus. At least annually, the
21 truancy prevention facilitator shall meet to discuss effective
22 truancy prevention measures with a case manager or other individual
23 designated by a truancy court to provide services to students of the
24 school district in truancy cases.

25 (e) Instead of employing a truancy prevention facilitator,
26 a school district may designate an existing district employee or
27 juvenile case manager to implement the truancy prevention measures

1 required by this section and any other effective truancy prevention
2 measures as determined by the school district or campus.

3 (f) The agency shall adopt rules:

4 (1) creating minimum standards for truancy prevention
5 measures adopted by a school district under this section; and

6 (2) establishing a set of best practices for truancy
7 prevention measures.

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

11 SECTION 10. Sections 25.0916(a), (c), (d), (f), (h), and
12 (i), Education Code, are amended to read as follows:

13 (a) This section applies only to a county with two or more
14 courts hearing truancy cases and two or more school districts~~[+~~

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

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

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

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

24 (c) Not later than September 1, 2016 ~~[2013]~~, the county
25 judge and the mayor of the municipality in the county with the
26 greatest population shall each appoint one member to serve on the
27 committee as a representative of each of the following:

- 1 (1) a juvenile [~~district~~] court;
- 2 (2) a municipal court;
- 3 (3) the office of a justice of the peace;
- 4 (4) the superintendent or designee of an independent
- 5 school district;
- 6 (5) an open-enrollment charter school, if one exists
- 7 in the county;
- 8 (6) the office of the prosecutor with original truancy
- 9 jurisdiction in the county [~~district attorney~~]; and
- 10 (7) the general public.

11 (d) Not later than September 1, 2016 [~~2013~~], the county

12 judge shall appoint to serve on the committee one member from the

13 house of representatives and one member from the senate who are

14 members of the respective standing legislative committees with

15 primary jurisdiction over public education.

16 (f) Not later than September 1, 2017 [~~2014~~], the committee

17 shall recommend:

- 18 (1) a uniform process for filing truancy cases with
- 19 the judicial system;
- 20 (2) uniform administrative procedures;
- 21 (3) uniform deadlines for processing truancy cases;
- 22 (4) effective prevention, intervention, and diversion
- 23 methods to reduce truancy and referrals to a county, justice, or
- 24 municipal court;
- 25 (5) a system for tracking truancy information and
- 26 sharing truancy information among school districts and
- 27 open-enrollment charter schools in the county; and

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

3 (h) The committee's presiding officer shall issue a report
4 not later than December 1, 2017 [~~2015~~], on the implementation of the
5 recommendations and compliance with state truancy laws by a school
6 district located in the county.

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

8 SECTION 11. Section 25.093, Education Code, is amended by
9 amending Subsections (a) and (c) and adding Subsection (c-1) to
10 read as follows:

11 (a) If a warning is issued as required by Section 25.095(a),
12 the parent with criminal negligence fails to require the child to
13 attend school as required by law, and the child has absences for the
14 amount of time specified under Section 25A.003(a) [~~25.094~~], the
15 parent commits an offense.

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

18 (1) \$100 for a first offense;

19 (2) \$200 for a second offense;

20 (3) \$300 for a third offense;

21 (4) \$400 for a fourth offense; or

22 (5) \$500 for a fifth or subsequent offense.

23 (c-1) Each day the child remains out of school may
24 constitute a separate offense. Two or more offenses under
25 Subsection (a) may be consolidated and prosecuted in a single
26 action. If the court orders deferred disposition under Article
27 45.051, Code of Criminal Procedure, the court may require the

1 defendant to provide personal services to a charitable or
2 educational institution as a condition of the deferral.

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

5 (a) A school district or open-enrollment charter school
6 shall notify a student's parent in writing at the beginning of the
7 school year that if the student is absent from school on 10 or more
8 days or parts of days within a six-month period in the same school
9 year [~~or on three or more days or parts of days within a four-week~~
10 ~~period~~]:

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

13 (2) the student is subject to [~~prosecution under~~
14 ~~Section 25.094 or to~~] referral to a truancy [~~juvenile~~] court [~~in a~~
15 ~~county with a population of less than 100,000~~] for truancy conduct
16 under Section 25A.003(a) [~~that violates that section~~].

17 (b) A school district shall notify a student's parent if the
18 student has been absent from school, without excuse under Section
19 25.087, on three days or parts of days within a four-week period.
20 The notice must:

21 (1) inform the parent that:

22 (A) it is the parent's duty to monitor the
23 student's school attendance and require the student to attend
24 school; and

25 (B) the student [~~parent~~] is subject to truancy
26 prevention measures [~~prosecution~~] under Section 25.0915 [~~25.093~~];
27 and

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

3 (c) The fact that a parent did not receive a notice under
4 Subsection (a) or (b) does not create a defense [~~to prosecution~~]
5 under Section 25.093 or 25A.003(a) [25.094].

6 SECTION 13. Section 25.0951, Education Code, is amended to
7 read as follows:

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

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

18 ~~[(2)]~~ refer the student to a truancy [~~juvenile~~] court
19 for truant conduct [~~indicating a need for supervision~~] under
20 Section 25A.003(a) [~~51.03(b)(2), Family Code~~].

21 (b) If a student fails to attend school without excuse as
22 specified by Subsection (a), a school district may file a complaint
23 against the student's parent in a county, justice, or municipal
24 court for an offense under Section 25.093 if the school district
25 provides evidence of the parent's criminal negligence [~~If a student~~
26 ~~fails to attend school without excuse on three or more days or parts~~
27 ~~of days within a four-week period but does not fail to attend school~~

1 ~~for the time described by Subsection (a), the school district may:~~

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

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

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

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

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

17 (2) does not allege the elements required for the
18 offense;

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

21 (4) is otherwise substantively defective.

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

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

27 (2) determines that the truancy prevention measures

1 are succeeding and it is in the best interest of the student that a
2 referral be delayed or not be made.

3 SECTION 14. Section 25.0952, Education Code, is amended to
4 read as follows:

5 Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING
6 TO NONATTENDANCE OFFENSE [~~SCHOOL ATTENDANCE-RELATED OFFENSES~~]. In
7 a proceeding based on a complaint under Section 25.093 [~~or 25.094~~],
8 the court shall, except as otherwise provided by this chapter, use
9 the procedures and exercise the powers authorized by Chapter 45,
10 Code of Criminal Procedure.

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

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

15 (1) the student has been ordered by a court under
16 Section 25A.103 [~~Article 45.054, Code of Criminal Procedure, as~~
17 ~~added by Chapter 1514, Acts of the 77th Legislature, Regular~~
18 ~~Session, 2001,~~] or by the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~] to:

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

22 (B) take the high school equivalency examination
23 administered under Section 7.111; or

24 (2) the following conditions are satisfied:

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

27 (B) the student is a student at risk of dropping

1 out of school, as defined by Section 29.081;

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

4 (D) at least two school years have elapsed since
5 the student first enrolled in ninth grade and the student has
6 accumulated less than one third of the credits required to graduate
7 under the minimum graduation requirements of the district or
8 school; and

9 (E) any other conditions specified by the
10 commissioner.

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

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

15 (A) the circumstances of whose absence indicate
16 that the child did not voluntarily leave the care and control of the
17 custodian and that the taking of the child was not authorized by
18 law; or

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

22 SECTION 17. Subtitle E, Title 2, Education Code, is amended
23 by adding Chapter 25A to read as follows:

24 CHAPTER 25A. TRUANCY COURT PROCEEDINGS

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 25A.001. SCOPE AND PURPOSE. (a) This chapter details
27 the procedures and proceedings in cases involving allegations of

1 truant conduct.

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

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

7 Sec. 25A.002. DEFINITIONS. In this chapter:

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

10 (2) "Juvenile court" means a court designated under
11 Section 51.04, Family Code, to exercise jurisdiction over
12 proceedings under Title 3, Family Code.

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

16 (4) "Truancy court" means a court designated under
17 Section 25A.004 to exercise jurisdiction over cases involving
18 allegations of truant conduct.

19 Sec. 25A.003. TRUANT CONDUCT. (a) A child engages in
20 truant conduct if the child is required to attend school under
21 Section 25.085 and fails to attend school on 10 or more days or
22 parts of days within a six-month period in the same school year.

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

25 (c) It is an affirmative defense to an allegation of truant
26 conduct that one or more of the absences required to be proven have
27 been excused by a school official or by the court or that one or more

1 of the absences were involuntary, but only if there is an
2 insufficient number of unexcused or voluntary absences remaining to
3 constitute truant conduct. The burden is on the child to show by a
4 preponderance of the evidence that the absence has been or should be
5 excused or that the absence was involuntary. A decision by the
6 court to excuse an absence for purposes of this subsection does not
7 affect the ability of the school district to determine whether to
8 excuse the absence for another purpose.

9 Sec. 25A.004. TRUANCY COURTS; JURISDICTION. (a) The
10 following are designated as truancy courts:

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

13 (2) justice courts; and

14 (3) municipal courts.

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

17 (c) A municipality may enter into an agreement with a
18 contiguous municipality or a municipality with boundaries that are
19 within one-half mile of the municipality seeking to enter into the
20 agreement to establish concurrent jurisdiction of the municipal
21 courts in the municipalities and provide original jurisdiction to a
22 municipal court in which a truancy case is brought as if the
23 municipal court were located in the municipality in which the case
24 arose.

25 (d) A truancy court retains jurisdiction over a person,
26 without regard to the age of the person, who was referred to the
27 court under Section 25A.051 for engaging in truant conduct before

1 the person's 19th birthday, until final disposition of the case.

2 Sec. 25A.005. COURT SESSIONS. A truancy court is
3 considered to be in session at all times.

4 Sec. 25A.006. VENUE. Venue for a proceeding under this
5 chapter is the county in which the school in which the child is
6 enrolled is located or the county in which the child resides.

7 Sec. 25A.007. RIGHT TO JURY TRIAL. (a) A child alleged to
8 have engaged in truant conduct is entitled to a jury trial.

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

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

13 Sec. 25A.008. WAIVER OF RIGHTS. A right granted to a child
14 by this chapter or by the constitution or laws of this state or the
15 United States is waived in proceedings under this chapter if:

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

17 (2) the child and the child's parent or guardian are
18 informed of the right, understand the right, understand the
19 possible consequences of waiving the right, and understand that
20 waiver of the right is not required;

21 (3) the child signs the waiver;

22 (4) the child's parent or guardian signs the waiver;

23 and

24 (5) the child's attorney signs the waiver, if the child
25 is represented by counsel.

26 Sec. 25A.009. EFFECT OF ADJUDICATION. (a) An adjudication
27 of a child as having engaged in truant conduct is not a conviction

1 of crime. An order of adjudication does not impose any civil
2 disability ordinarily resulting from a conviction or operate to
3 disqualify the child in any civil service application or
4 appointment.

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

9 Sec. 25A.010. BURDEN OF PROOF. A court or jury may not
10 return a finding that a child has engaged in truant conduct unless
11 the state has proved the conduct beyond a reasonable doubt.

12 Sec. 25A.011. APPLICABLE STATUTES REGARDING DISCOVERY.
13 Discovery in a proceeding under this chapter is governed by Chapter
14 39, Code of Criminal Procedure, other than Articles 39.14(i) and
15 (j).

16 Sec. 25A.012. PROCEDURAL RULES. The supreme court may
17 promulgate rules of procedure applicable to proceedings under this
18 chapter.

19 Sec. 25A.013. INTERPRETERS. (a) When on the motion for
20 appointment of an interpreter by a party or on the motion of the
21 court, in any proceeding under this chapter, the court determines
22 that the child, the child's parent or guardian, or a witness does
23 not understand and speak English, an interpreter must be sworn to
24 interpret for the person. Articles 38.30(a), (b), and (c), Code of
25 Criminal Procedure, apply in a proceeding under this chapter. A
26 qualified telephone interpreter may be sworn to provide
27 interpretation services if an interpreter is not available to

1 appear in person before the court.

2 (b) In any proceeding under this chapter, if a party
3 notifies the court that the child, the child's parent or guardian,
4 or a witness is deaf, the court shall appoint a qualified
5 interpreter to interpret the proceedings in any language, including
6 sign language, that the deaf person can understand. Articles
7 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a
8 proceeding under this chapter.

9 Sec. 25A.014. SIGNATURES. Any requirement under this
10 chapter that a document be signed or that a document contain a
11 person's signature, including the signature of a judge or a clerk of
12 the court, is satisfied if the document contains the signature of
13 the person as captured on an electronic device or as a digital
14 signature.

15 Sec. 25A.015. PUBLIC ACCESS TO COURT HEARINGS. (a) Except
16 as provided by Subsection (b), a truancy court shall open a hearing
17 under this chapter to the public unless the court, for good cause
18 shown, determines that the public should be excluded.

19 (b) The court may prohibit a person from personally
20 attending a hearing if the person is expected to testify at the
21 hearing and the court determines that the person's testimony would
22 be materially affected if the person hears other testimony at the
23 hearing.

24 Sec. 25A.016. RECORDING OF PROCEEDINGS. (a) The
25 proceedings in a truancy court that is not a court of record may not
26 be recorded.

27 (b) The proceedings in a truancy court that is a court of

1 record must be recorded by stenographic notes or by electronic,
2 mechanical, or other appropriate means.

3 Sec. 25A.017. JUVENILE CASE MANAGERS. A truancy court may
4 employ a juvenile case manager in accordance with Article 45.056,
5 Code of Criminal Procedure, to provide services to children who
6 have been referred to the truancy court or who are in jeopardy of
7 being referred to the truancy court.

8 SUBCHAPTER B. INITIAL PROCEDURES

9 Sec. 25A.051. INITIAL REFERRAL TO TRUANCY COURT. When a
10 truancy court receives a referral under Section 25.0915 and the
11 court is not required to dismiss the referral under that section,
12 the court shall forward the referral to a truant conduct prosecutor
13 who serves the court.

14 Sec. 25A.052. TRUANT CONDUCT PROSECUTOR. In a justice or
15 municipal court or a constitutional county court that is designated
16 as a truancy court, the attorney who represents the state in
17 criminal matters in that court shall serve as the truant conduct
18 prosecutor.

19 Sec. 25A.053. REVIEW BY PROSECUTOR. (a) The truant
20 conduct prosecutor shall promptly review the facts described in a
21 referral received under Section 25A.051.

22 (b) The prosecutor may, in the prosecutor's discretion,
23 determine whether to file a petition with the truancy court
24 requesting an adjudication of the child for truant conduct. If the
25 prosecutor decides not to file a petition requesting an
26 adjudication, the prosecutor shall inform the truancy court and the
27 school district of the decision.

1 (c) The prosecutor may not file a petition for an
2 adjudication of a child for truant conduct if the referral was not
3 made in compliance with Section 25.0915.

4 Sec. 25A.054. STATE'S PETITION. (a) A petition for an
5 adjudication of a child for truant conduct initiates an action of
6 the state against a child who has allegedly engaged in truant
7 conduct.

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

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

12 (d) The petition must state:

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

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

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

20 (4) if the child's parent, guardian, or custodian does
21 not reside or cannot be found in the state, or if their places of
22 residence are unknown, the name and residence address of any known
23 adult relative residing in the county or, if there is none, the name
24 and residence address of the known adult relative residing nearest
25 to the location of the court.

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

1 Sec. 25A.055. LIMITATIONS PERIOD. A petition may not be
2 filed after the 45th day after the date of the last absence giving
3 rise to the act of truant conduct.

4 Sec. 25A.056. HEARING DATE. (a) After the petition has
5 been filed, the truancy court shall set a date and time for an
6 adjudication hearing.

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

9 Sec. 25A.057. SUMMONS. (a) After setting the date and
10 time of an adjudication hearing, the truancy court shall direct the
11 issuance of a summons to:

- 12 (1) the child named in the petition;
13 (2) the child's parent, guardian, or custodian;
14 (3) the child's guardian ad litem, if any; and
15 (4) any other person who appears to the court to be a
16 proper or necessary party to the proceeding.

17 (b) The summons must require the persons served to appear
18 before the court at the place, date, and time of the adjudication
19 hearing to answer the allegations of the petition. A copy of the
20 petition must accompany the summons. If a person, other than the
21 child, required to appear under this section fails to attend a
22 hearing, the truancy court may proceed with the hearing.

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

26 (d) A party, other than the child, may waive service of
27 summons by written stipulation or by voluntary appearance at the

1 hearing.

2 Sec. 25A.058. SERVICE OF SUMMONS. (a) If a person to be
3 served with a summons is in this state and can be found, the summons
4 shall be served on the person personally or by registered or
5 certified mail, return receipt requested, at least five days before
6 the date of the adjudication hearing.

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

9 Sec. 25A.059. REPRESENTATION BY ATTORNEY. A child may be
10 represented by an attorney in a case under this chapter.
11 Representation by an attorney is not required.

12 Sec. 25A.060. CHILD'S ANSWER. After the petition has been
13 filed, the child may answer, orally or in writing, the petition at
14 or before the commencement of the hearing. If the child does not
15 answer, a general denial of the alleged truant conduct is assumed.

16 Sec. 25A.061. GUARDIAN AD LITEM. (a) If a child appears
17 before the truancy court without a parent or guardian, or it appears
18 to the court that the child's parent or guardian is incapable or
19 unwilling to make decisions in the best interest of the child with
20 respect to proceedings under this chapter, the court may appoint a
21 guardian ad litem to protect the interests of the child in the
22 proceedings.

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

27 (c) The court may order a child's parent or other person

1 responsible to support the child to reimburse the county or
2 municipality for the cost of the guardian ad litem. The court may
3 issue the order only after determining that the parent or other
4 responsible person has sufficient financial resources to offset the
5 cost of the child's guardian ad litem wholly or partly.

6 Sec. 25A.062. ATTENDANCE AT HEARING. (a) The child must
7 be personally present at the adjudication hearing. The truancy
8 court may not proceed with the adjudication hearing in the absence
9 of the child.

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

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

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

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

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

19 Sec. 25A.063. RIGHT TO REEMPLOYMENT. (a) An employer may
20 not terminate the employment of a permanent employee because the
21 employee is required under Section 25A.062(b) to attend a hearing.

22 (b) Notwithstanding any other law, an employee whose
23 employment is terminated in violation of this section is entitled
24 to return to the same employment that the employee held when
25 notified of the hearing if the employee, as soon as practical after
26 the hearing, gives the employer actual notice that the employee
27 intends to return.

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

3 (1) reinstatement to the person's former position;
4 (2) damages not to exceed an amount equal to six times
5 the amount of monthly compensation received by the person on the
6 date of the hearing; and

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

9 (d) It is a defense to an action brought under this section
10 that the employer's circumstances changed while the employee
11 attended the hearing and caused reemployment to be impossible or
12 unreasonable. To establish a defense under this subsection, an
13 employer must prove that the termination of employment was because
14 of circumstances other than the employee's attendance at the
15 hearing.

16 Sec. 25A.064. SUBPOENA OF WITNESS. A witness may be
17 subpoenaed in accordance with the procedures for the subpoena of a
18 witness under the Code of Criminal Procedure.

19 Sec. 25A.065. CHILD ALLEGED TO BE MENTALLY ILL. (a) A
20 party may make a motion requesting that a petition alleging a child
21 to have engaged in truant conduct be dismissed because the child has
22 a mental illness, as defined by Section 571.003, Health and Safety
23 Code. In response to the motion, the truancy court shall
24 temporarily stay the proceedings to determine whether probable
25 cause exists to believe the child has a mental illness. In making a
26 determination, the court may:

27 (1) consider the motion, supporting documents,

1 professional statements of counsel, and witness testimony; and

2 (2) observe the child.

3 (b) If the court determines that probable cause exists to
4 believe that the child has a mental illness, the court shall dismiss
5 the petition. If the court determines that evidence does not exist
6 to support a finding that the child has a mental illness, the court
7 shall dissolve the stay and continue with the truancy court
8 proceedings.

9 SUBCHAPTER C. ADJUDICATION HEARING AND REMEDIES

10 Sec. 25A.101. ADJUDICATION HEARING; JUDGMENT. (a) A
11 child may be found to have engaged in truant conduct only after an
12 adjudication hearing conducted in accordance with the provisions of
13 this chapter.

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

17 (1) the allegations made against the child;

18 (2) the nature and possible consequences of the
19 proceedings;

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

21 (4) the child's right to trial and to confrontation of
22 witnesses;

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

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

26 (c) Trial is by jury unless jury is waived in accordance
27 with Section 25A.008. Jury verdicts under this chapter must be

1 unanimous.

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

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

7 (2) as otherwise provided by this chapter.

8 (e) A child alleged to have engaged in truant conduct need
9 not be a witness against nor otherwise incriminate himself or
10 herself. An extrajudicial statement of the child that was obtained
11 in violation of the constitution of this state or the United States
12 may not be used in an adjudication hearing. A statement made by the
13 child out of court is insufficient to support a finding of truant
14 conduct unless it is corroborated wholly or partly by other
15 evidence.

16 (f) At the conclusion of the adjudication hearing, the court
17 or jury shall find whether the child has engaged in truant conduct.
18 The finding must be based on competent evidence admitted at the
19 hearing. The child shall be presumed to have not engaged in truant
20 conduct and no finding that a child has engaged in truant conduct
21 may be returned unless the state has proved the conduct beyond a
22 reasonable doubt. In all jury cases the jury will be instructed
23 that the burden is on the state to prove that a child has engaged in
24 truant conduct beyond a reasonable doubt.

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

27 (h) If the court or jury finds that the child did engage in

1 truant conduct, the court shall proceed to issue a judgment finding
2 the child has engaged in truant conduct and order the remedies the
3 court finds appropriate under Section 25A.103. The jury is not
4 involved in ordering remedies for a child who has been adjudicated
5 as having engaged in truant conduct.

6 Sec. 25A.102. REMEDIAL ACTIONS. (a) The truancy court
7 shall determine and order appropriate remedial actions in regard to
8 a child who has been found to have engaged in truant conduct.

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

12 (c) After pronouncing the court's remedial actions, the
13 court shall advise the child and the child's parent, guardian, or
14 guardian ad litem of:

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

17 (2) the procedures for the sealing of the child's
18 records under Section 25A.201.

19 Sec. 25A.103. REMEDIAL ORDER. (a) A truancy court may
20 enter a remedial order requiring a child who has been found to have
21 engaged in truant conduct to:

22 (1) attend school without unexcused absences;
23 (2) attend a preparatory class for the high school
24 equivalency examination administered under Section 7.111 if the
25 court determines that the individual is unlikely to do well in a
26 formal classroom environment due to the individual's age;

27 (3) if the child is at least 16 years of age, take the

1 high school equivalency examination administered under Section
2 7.111, if that is in the best interest of the child;

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

6 (A) an alcohol and drug abuse program;

7 (B) a rehabilitation program;

8 (C) a counseling program, including a
9 self-improvement program;

10 (D) a program that provides training in
11 self-esteem and leadership;

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

13 (F) a program that provides training in
14 parenting, including parental responsibility;

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

16 (H) a program that provides training in violence
17 avoidance;

18 (I) a program that provides sensitivity
19 training; and

20 (J) a program that provides training in advocacy
21 and mentoring;

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

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

27 (b) A truancy court may not order a child who has been found

1 to have engaged in truant conduct to:

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

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

6 (c) In addition to any other order authorized by this
7 section, a truancy court may order the Department of Public Safety
8 to suspend the driver's license or permit of a child who has been
9 found to have engaged in truant conduct. If the child does not have
10 a driver's license or permit, the court may order the Department of
11 Public Safety to deny the issuance of a license or permit to the
12 child. The period of the license or permit suspension or the order
13 that the issuance of a license or permit be denied may not extend
14 beyond the maximum time period that a remedial order is effective as
15 provided by Section 25A.104.

16 Sec. 25A.104. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A
17 truancy court's remedial order under Section 25A.103 is effective
18 until the later of:

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

22 (2) the last day of the school year in which the order
23 was entered.

24 Sec. 25A.105. ORDERS AFFECTING PARENTS AND OTHERS. (a) If
25 a child has been found to have engaged in truant conduct, the
26 truancy court may:

27 (1) order the child and the child's parent to attend a

1 class for students at risk of dropping out of school that is
2 designed for both the child and the child's parent;

3 (2) order any person found by the court to have, by a
4 wilful act or omission, contributed to, caused, or encouraged the
5 child's truant conduct to do any act that the court determines to be
6 reasonable and necessary for the welfare of the child or to refrain
7 from doing any act that the court determines to be injurious to the
8 child's welfare;

9 (3) enjoin all contact between the child and a person
10 who is found to be a contributing cause of the child's truant
11 conduct, unless that person is the child's parent or guardian, in
12 which case the court may contact the Department of Family and
13 Protective Services, if necessary;

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

18 (5) order the child's parent or other person
19 responsible for the child's support to pay all or part of the
20 reasonable costs of treatment programs in which the child is
21 ordered to participate if the court finds the child's parent or
22 person responsible for the child's support is able to pay the costs;

23 (6) order the child's parent to attend a program for
24 parents of students with unexcused absences that provides
25 instruction designed to assist those parents in identifying
26 problems that contribute to the child's unexcused absences and in
27 developing strategies for resolving those problems; and

1 (7) order the child's parent to perform not more than
2 50 hours of community service with the child.

3 (b) A person subject to an order proposed under Subsection
4 (a) is entitled to a hearing before the order is entered by the
5 court.

6 (c) On a finding by the court that a child's parents have
7 made a reasonable good faith effort to prevent the child from
8 engaging in truant conduct and that, despite the parents' efforts,
9 the child continues to engage in truant conduct, the court shall
10 wave any requirement for community service that may be imposed on a
11 parent under this section.

12 Sec. 25A.106. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY
13 SERVICE. (a) A municipality or county that establishes a program
14 to assist children and their parents in rendering community service
15 under this subchapter may purchase an insurance policy protecting
16 the municipality or county against a claim brought by a person other
17 than the child or the child's parent for a cause of action that
18 arises from an act of the child or parent while rendering the
19 community service. The municipality or county is not liable for the
20 claim to the extent that damages are recoverable under a contract of
21 insurance or under a plan of self-insurance authorized by statute.

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

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

6 Sec. 25A.107. COURT COST. (a) If a child is found to have
7 engaged in truant conduct, the truancy court, after giving the
8 child, parent, or other person responsible for the child's support
9 a reasonable opportunity to be heard, shall order the child,
10 parent, or other person, if financially able to do so, to pay a
11 court cost of \$50 to the clerk of the court.

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

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

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

23 Sec. 25A.108. HEARING TO MODIFY REMEDY. (a) A truancy
24 court may hold a hearing to modify any remedy imposed by the court.
25 A remedy may only be modified during the period the order is
26 effective under Section 25A.104.

27 (b) There is no right to a jury at a hearing under this

1 section.

2 (c) A hearing to modify a remedy imposed by the court shall
3 be held on the petition of the child and the child's parent,
4 guardian, guardian ad litem, or attorney, the state, or the court.
5 Reasonable notice of a hearing to modify disposition shall be given
6 to all parties.

7 (d) Notwithstanding any other law, in considering a motion
8 to modify a remedy imposed by the court, the truancy court may
9 consider a written report from a school district official or
10 employee, juvenile case manager, or professional consultant in
11 addition to the testimony of witnesses. The court shall provide the
12 attorney for the child and the prosecuting attorney with access to
13 all written matters to be considered by the court. The court may
14 order counsel not to reveal items to the child or to the child's
15 parent, guardian, or guardian ad litem if the disclosure would
16 materially harm the treatment and rehabilitation of the child or
17 would substantially decrease the likelihood of receiving
18 information from the same or similar sources in the future.

19 (e) The truancy court shall pronounce, in the presence of
20 the child, the court's changes to the remedy, if any. The court
21 shall specifically state the new remedy and the court's reasons for
22 modifying the remedy in a written order. The court shall furnish a
23 copy of the order to the child.

24 Sec. 25A.109. MOTION FOR NEW TRIAL. The order of a truancy
25 court may be challenged by filing a motion for new trial. Rules
26 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion
27 for new trial.

1 child's 18th birthday, to the truancy court that made the finding to
2 seal the records relating to the allegation and finding of truant
3 conduct held by:

- 4 (1) the court;
- 5 (2) the truant conduct prosecutor; and
- 6 (3) the school district.

7 (b) The application must include the following information
8 or an explanation of why one or more of the following is not
9 included:

- 10 (1) the child's:
 - 11 (A) full name;
 - 12 (B) sex;
 - 13 (C) race or ethnicity;
 - 14 (D) date of birth;
 - 15 (E) driver's license or identification card
16 number; and
 - 17 (F) social security number;

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

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

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

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

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

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

8 (g) A person whose records have been sealed under this
9 section is not required in any proceeding or in any application for
10 employment, information, or licensing to state that the person has
11 been the subject of a proceeding under this chapter. Any statement
12 that the person has never been found to have engaged in truant
13 conduct may not be held against the person in any criminal or civil
14 proceeding.

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

20 Sec. 25A.202. CONFIDENTIALITY OF RECORDS. Records and
21 files created under this chapter may be disclosed only to:

22 (1) the judge of the truancy court, the truant conduct
23 prosecutor, and the staff of the judge and prosecutor;

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

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

27 (4) a person or entity to whom the child is referred

1 for treatment or services if the agency or institution disclosing
2 the information has entered into a written confidentiality
3 agreement with the person or entity regarding the protection of the
4 disclosed information;

5 (5) the Texas Department of Criminal Justice and the
6 Texas Juvenile Justice Department for the purpose of maintaining
7 statistical records of recidivism and for diagnosis and
8 classification;

9 (6) the agency; or

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

13 Sec. 25A.203. DESTRUCTION OF CERTAIN RECORDS. A truancy
14 court shall order the destruction of records relating to
15 allegations of truant conduct that are held by the court or by the
16 prosecutor if a prosecutor decides not to file a petition for an
17 adjudication of truant conduct after a review of the referral under
18 Section 25A.053.

19 SUBCHAPTER F. ENFORCEMENT OF ORDERS

20 Sec. 25A.251. CHILDREN IN CONTEMPT OF COURT. (a) If a
21 child fails to obey an order issued by a truancy court under Section
22 25A.103(a), the truancy court, after providing notice and an
23 opportunity for a hearing, may find the child in contempt of court
24 on the court's own motion.

25 (b) If a truancy court finds a child in contempt of court
26 under Subsection (a) or a child is in direct contempt of court, the
27 court may:

1 (1) refer the child to the juvenile court in the county
2 for delinquent conduct under Section 51.03(a)(2), Family Code,
3 unless the child committed the contempt while 17 years of age or
4 older; or

5 (2) hold the child in contempt of court and order
6 either or both of the following:

7 (A) that the child pay a fine not to exceed \$100;
8 or

9 (B) that the Department of Public Safety suspend
10 the child's driver's license or permit or, if the child does not
11 have a license or permit, order that the Department of Public Safety
12 deny the issuance of a license or permit to the child until the
13 child fully complies with the court's orders.

14 (c) A truancy court may not order the confinement of a child
15 for the child's failure to obey an order of the court issued under
16 Section 25A.103(a).

17 (d) A truancy court that orders the suspension or denial of
18 a driver's license or permit under Subsection (b)(2)(B) shall
19 notify the Department of Public Safety on receiving proof of
20 compliance with the orders of the court and order the department to
21 revoke the suspension or denial of the license.

22 Sec. 25A.252. PARENT OR OTHER PERSON IN CONTEMPT OF COURT.

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

24 (1) an order that a parent of a child, guardian of a
25 child, or any court-appointed guardian ad litem of a child attend an
26 adjudication hearing under Section 25A.062(b);

27 (2) an order requiring a person other than a child to

1 take a particular action under Section 25A.105(a);

2 (3) an order that a child's parent, or other person
3 responsible to support the child, reimburse the municipality or
4 county for the cost of the guardian ad litem appointed for the child
5 under Section 25A.061(c); and

6 (4) an order that a parent, or person other than the
7 child, pay the \$50 court cost under Section 25A.107.

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

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

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

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

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

17 (3) both confinement and community service.

18 Sec. 25A.253. WRIT OF ATTACHMENT. A truancy court may issue
19 a writ of attachment for a person who violates an order entered
20 under Section 25A.057(c). The writ of attachment is executed in the
21 same manner as in a criminal proceeding as provided by Chapter 24,
22 Code of Criminal Procedure.

23 Sec. 25A.254. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT
24 OR OTHER ELIGIBLE PERSON. (a) The truancy court shall:

25 (1) provide notice to a person who is the subject of a
26 proposed truancy court order under Section 25A.252; and

27 (2) provide a sufficient opportunity for the person to

1 be heard regarding the proposed order.

2 (b) A truancy court order under Section 25A.252 must be in
3 writing and a copy promptly furnished to the parent or other
4 eligible person.

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

10 Sec. 25A.255. APPEAL. (a) The parent or other eligible
11 person against whom a final truancy court order has been entered
12 under Section 25A.252 may appeal as provided by law from judgments
13 entered by a justice court in civil cases.

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

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

19 Sec. 25A.256. MOTION FOR ENFORCEMENT. (a) The state may
20 initiate enforcement of a truancy court order under Section 25A.252
21 against a parent or person other than the child by filing a written
22 motion. In ordinary and concise language, the motion must:

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

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

27 (3) state the relief requested; and

1 (4) contain the signature of the party filing the
2 motion.

3 (b) The state must allege the particular violation by the
4 person of the truancy court order that the state had a reasonable
5 basis for believing the person was violating when the motion was
6 filed.

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

9 Sec. 25A.257. NOTICE AND APPEARANCE. (a) On the filing of
10 a motion for enforcement, the truancy court shall by written notice
11 set the date, time, and place of the hearing and order the person
12 against whom enforcement is sought to appear and respond to the
13 motion.

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

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

26 (d) If a person who has been personally served with notice
27 to appear at the hearing does not appear, the truancy court may not

1 hold the person in contempt, but may issue a warrant for the arrest
2 of the person.

3 Sec. 25A.258. CONDUCT OF ENFORCEMENT HEARING. (a) The
4 movant must prove beyond a reasonable doubt that the person against
5 whom enforcement is sought engaged in conduct constituting contempt
6 of a reasonable and lawful court order as alleged in the motion for
7 enforcement.

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

11 (c) The truancy court shall conduct the enforcement hearing
12 without a jury.

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

14 (1) findings for each violation alleged in the motion
15 for enforcement; and

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

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

23 (f) It is an affirmative defense to enforcement of a truancy
24 court order under Section 25A.252 that the court did not provide the
25 parent or other eligible person with due process of law in the
26 proceeding in which the court entered the order.

27 Sec. 25A.259. FAILURE TO OBEY TRUANCY COURT ORDER; CHILDREN

1 IN CONTEMPT OF COURT. (a) If a child fails to obey an order issued
2 by a truancy court under Section 25A.103(a), the truancy court,
3 after providing notice and an opportunity for a hearing, may:

4 (1) refer the child to a juvenile court for a hearing
5 to be conducted pursuant to Section 25A.260; or

6 (2) hold the child in contempt of court and order
7 either or both of the following:

8 (A) that the child pay a fine not to exceed \$100;

9 or

10 (B) that the Department of Public Safety suspend
11 the child's driver's license or permit or, if the child does not
12 have a license or permit, order that the Department of Public Safety
13 deny the issuance of a license or permit to the child until the
14 child fully complies with the court's orders.

15 (b) A truancy court may not order the confinement of a child
16 for the child's failure to obey an order of the court issued under
17 Section 25A.103(a).

18 Sec. 25A.260. PROCEEDINGS IN JUVENILE COURT. (a) Upon
19 referral from a truancy court pursuant to Section 25A.259(a)(1),
20 the truancy court shall conduct a hearing in order to determine if
21 probable cause exists to believe that the child engaged in conduct
22 that would constitute contempt of the order issued by the truancy
23 court. The hearing shall be conducted within 10 days of the
24 juvenile court's receipt of the referral from the truancy court.

25 (b) If the juvenile court finds that probable cause exists
26 to believe that the child engaged in conduct that would constitute
27 contempt of the order issued by the truancy court, the juvenile

1 court shall:

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

4 (2) forward a copy of the order to the truancy court
5 within 24 hours; and

6 (3) admonish the child, orally and in writing, of the
7 consequences of subsequent referrals to the juvenile court,
8 including:

9 (A) a charge of delinquent conduct for contempt
10 of the truancy court's order; and

11 (B) a detention hearing.

12 (c) If the court finds that probable cause does not exist to
13 believe that the child engaged in conduct that would constitute
14 contempt of the order issued by the truancy court, the juvenile
15 court shall enter an order requiring the child's continued
16 compliance with the truancy court's order.

17 SECTION 18. Section 51.02(15), Family Code, is amended to
18 read as follows:

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

22 (A) [~~truancy under Section 51.03(b)(2),~~

23 [~~(B)~~] running away from home under Section
24 51.03(b)(2) [~~51.03(b)(3)~~];

25 (B) [~~(C)~~] a fineable only offense under Section
26 51.03(b)(1) transferred to the juvenile court under Section
27 51.08(b), but only if the conduct constituting the offense would

1 not have been criminal if engaged in by an adult;

2 [~~(D) failure to attend school under Section~~
3 ~~25.094, Education Code,~~]

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

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

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

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

14 SECTION 19. Sections 51.03(a), (b), (e), and (f), Family
15 Code, are amended to read as follows:

16 (a) Delinquent conduct is:

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

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

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

24 (B) a county court for conduct punishable only by
25 a fine; or

26 (C) a truancy court;

27 (3) conduct that violates Section 49.04, 49.05, 49.06,

1 49.07, or 49.08, Penal Code; or

2 (4) conduct that violates Section 106.041, Alcoholic
3 Beverage Code, relating to driving under the influence of alcohol
4 by a minor (third or subsequent offense).

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

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

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

10 (B) the penal ordinances of any political
11 subdivision of this state;

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

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

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

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

1 (5) [~~(6)~~] conduct that violates a reasonable and
2 lawful order of a court entered under Section [264.305](#);

3 (6) [~~(7)~~] notwithstanding Subsection (a)(1), conduct
4 described by Section [43.02](#)(a)(1) or (2), Penal Code; or

5 (7) [~~(8)~~] notwithstanding Subsection (a)(1), conduct
6 that violates Section [43.261](#), Penal Code.

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

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

13 SECTION 20. Section [51.13](#)(e), Family Code, is amended to
14 read as follows:

15 (e) A finding that a child engaged in conduct indicating a
16 need for supervision as described by Section [51.03](#)(b)(7)
17 [~~[51.03](#)(b)(8)~~] is a conviction only for the purposes of Sections
18 [43.261](#)(c) and (d), Penal Code.

19 SECTION 21. Section [54.0404](#)(a), Family Code, is amended to
20 read as follows:

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

27 SECTION 22. Section [54.05](#)(b), Family Code, is amended to

1 read as follows:

2 (b) Except for a commitment to the Texas Juvenile Justice
3 Department or to a post-adjudication secure correctional facility
4 under Section 54.04011 [~~a disposition under Section 54.0402,~~] or a
5 placement on determinate sentence probation under Section
6 54.04(q), all dispositions automatically terminate when the child
7 reaches the child's 18th birthday.

8 SECTION 23. Section 58.0022, Family Code, is amended to
9 read as follows:

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

21 SECTION 24. Section 58.003(c-3), Family Code, is amended to
22 read as follows:

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

1 taken into custody to determine whether the child engaged in
2 conduct indicating a need for supervision described by Section
3 51.03(b)(6) [~~51.03(b)(7)~~]. This subsection applies only to
4 records related to conduct indicating a need for supervision
5 described by Section 51.03(b)(6) [~~51.03(b)(7)~~].

6 SECTION 25. Section 58.106(a), Family Code, is amended to
7 read as follows:

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

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

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

17 (3) to a juvenile justice agency;

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

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

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

26 SECTION 26. Section 59.003(a), Family Code, is amended to
27 read as follows:

1 (a) Subject to Subsection (e), after a child's first
2 commission of delinquent conduct or conduct indicating a need for
3 supervision, the probation department or prosecuting attorney may,
4 or the juvenile court may, in a disposition hearing under Section
5 54.04 or a modification hearing under Section 54.05, assign a child
6 one of the following sanction levels according to the child's
7 conduct:

8 (1) for conduct indicating a need for supervision,
9 other than conduct described in Section 51.03(b)(3) or (4)
10 [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction
11 level is one;

12 (2) for conduct indicating a need for supervision
13 under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A
14 or B misdemeanor, other than a misdemeanor involving the use or
15 possession of a firearm, or for delinquent conduct under Section
16 51.03(a)(2), the sanction level is two;

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

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

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

25 (6) for a felony of the first degree involving the use
26 of a deadly weapon or causing serious bodily injury, for an
27 aggravated controlled substance felony, or for a capital felony,

1 the sanction level is six; or

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

8 SECTION 27. Section 61.002(a), Family Code, is amended to
9 read as follows:

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

12 (1) for payment of probation fees under Section
13 54.061;

14 (2) for restitution under Sections 54.041(b) and
15 54.048;

16 (3) for payment of graffiti eradication fees under
17 Section 54.0461;

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

19 (5) for payment of costs of court under Section
20 54.0411 or other provisions of law;

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

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

25 (8) ordering a person living in the same household
26 with the child to participate in counseling under Section
27 54.041(a)(3);

1 (9) [~~requiring a parent or guardian of a child found to~~
2 ~~be truant to participate in an available program addressing truancy~~
3 ~~under Section 54.041(f)~~;

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

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

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

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

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

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

23 (15) ~~(16)~~ for payment of fees under Section 54.0462;

24 or

25 (16) ~~(17)~~ for payment of the cost of attending an
26 educational program under Section 54.0404.

27 SECTION 28. Section 264.304(c), Family Code, is amended to

1 read as follows:

2 (c) The court shall determine that the child is an at-risk
3 child if the court finds that the child has engaged in the following
4 conduct:

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

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

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

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

15 (3) the voluntary absence of the child from the child's
16 home without the consent of the child's parent, managing
17 conservator, or guardian for a substantial length of time or
18 without intent to return;

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

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

27 SECTION 29. Section 26.045(d), Government Code, is amended

1 to read as follows:

2 (d) A county court in a county with a population of 1.75
3 million or more has original jurisdiction over cases alleging a
4 violation of Section 25.093 [~~or 25.094~~], Education Code, or
5 alleging truant conduct under Section 25A.003(a), Education Code.

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

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

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

17 (2) cases that arise under Section 821.022, Health and
18 Safety Code, or Section 25A.003(a) [~~25.094~~], Education Code.

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

21 CHAPTER 36. JUDICIAL DONATION TRUST FUNDS FOR TRUANCY

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

27 (b) The governing body of a municipality or the

1 commissioners court of a county may accept a gift, grant, donation,
2 or other consideration from a public or private source that is
3 designated for the judicial donation trust fund.

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

7 (d) Interest and income from the assets of the judicial
8 donation trust fund shall be credited to and deposited in the trust
9 fund.

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

12 (1) adopt the procedures necessary to receive and
13 disburse money from the judicial donation trust fund under this
14 chapter; and

15 (2) establish eligibility requirements for
16 disbursement of money under this chapter to assist needy children
17 or families who appear before a truancy court or justice or
18 municipal court for truant conduct under Chapter 25A, Education
19 Code, or an offense under Section 25.093, Education Code, as
20 applicable, by providing money for resources and services that
21 eliminate barriers to school attendance or that seek to prevent
22 criminal behavior.

23 Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a
24 truancy court or justice or municipal court, in accordance with
25 Section 36.002, may award money from a judicial donation trust fund
26 established under Section 36.001 to eligible children or families
27 who appear before the court for truant conduct or an offense under

1 Section 25.093, Education Code.

2 (b) A judge of a truancy court or justice or municipal court
3 may order the municipal or county treasurer to issue payment from
4 the judicial donation trust fund for money awarded under this
5 section.

6 SECTION 32. Section 54.1172(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 25A.003(a), Education Code.

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

14 (a) The county judge may appoint one or more part-time or
15 full-time magistrates to hear a matter alleging a violation of
16 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant
17 conduct under Section 25A.003(a), Education Code, referred to the
18 magistrate by a court having jurisdiction over the matter.

19 SECTION 34. Section 54.1955, Government Code, is amended to
20 read as follows:

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

- 23 (1) conduct hearings;
- 24 (2) hear evidence;
- 25 (3) issue summons for the appearance of witnesses;
- 26 (4) examine witnesses;
- 27 (5) swear witnesses for hearings;

1 (6) recommend rulings or orders or a judgment in a
2 case;

3 (7) regulate proceedings in a hearing;

4 (8) accept a plea of guilty or nolo contendere in a
5 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
6 Code, and assess a fine or court costs or order community service in
7 satisfaction of a fine or costs in accordance with Article 45.049,
8 Code of Criminal Procedure;

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

13 (10) for an uncontested adjudication of truant conduct
14 under Section 25A.003, Education Code, accept a plea to the
15 petition or a stipulation of evidence, and take any other action
16 authorized under Chapter 25A, Education Code; and

17 (11) perform any act and take any measure necessary
18 and proper for the efficient performance of the duties required by
19 the referral order, including the entry of an order that includes at
20 least one of the remedial options [~~requirements~~] in Section
21 25A.103, Education Code [~~Article 45.054, Code of Criminal~~
22 ~~Procedure, and~~

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

27 (b) With respect to an issue of law or fact the ruling on

1 which could result in the dismissal of a prosecution under Section
2 25.093 [~~or 25.094~~], Education Code, or a case of truant conduct
3 under Section 25A.003, Education Code, a magistrate may not rule on
4 the issue but may make findings, conclusions, and recommendations
5 on the issue.

6 SECTION 35. Section 54.1956, Government Code, is amended to
7 read as follows:

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

13 (b) On denial by a child of truant conduct, as defined by
14 Section 25A.003(a), Education Code, the magistrate shall refer the
15 case to the appropriate truancy court for adjudication.

16 SECTION 36. Section 71.0352, Government Code, is amended to
17 read as follows:

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

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

25 (A) truant conduct under Section 25A.003(a),
26 Education Code [~~failure to attend school under Section 25.094,~~
27 ~~Education Code~~];

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

3 (C) a violation of a local daytime curfew
4 ordinance adopted under Section 341.905 or 351.903, Local
5 Government Code; and

6 (2) in cases in which a child fails to obey an order of
7 a justice court, [~~or~~] municipal court, or truancy court under
8 circumstances that would constitute contempt of court, the justice
9 court, [~~or~~] municipal court, or truancy court shall report the
10 number of incidents in which the child is:

11 (A) referred to the appropriate juvenile court
12 for delinquent conduct as provided by Article 45.050(c)(1), Code of
13 Criminal Procedure, or [~~and~~] Section 25A.251(b)(1) [~~51.03(a)(2)~~],
14 Education [~~Family~~] Code; or

15 (B) held in contempt, fined, or denied driving
16 privileges as provided by Article 45.050(c)(2), Code of Criminal
17 Procedure, or Section 25A.251(b)(2), Education Code.

18 SECTION 37. Section 102.021, Government Code, is amended to
19 read as follows:

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

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

- 1 (2) a fee for services of prosecutor (Art. 102.008,
2 Code of Criminal Procedure) . . . \$25;
- 3 (3) fees for services of peace officer:
 - 4 (A) issuing a written notice to appear in court
5 for certain violations (Art. 102.011, Code of Criminal Procedure)
6 . . . \$5;
 - 7 (B) executing or processing an issued arrest
8 warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal
9 Procedure) . . . \$50;
 - 10 (C) summoning a witness (Art. 102.011, Code of
11 Criminal Procedure) . . . \$5;
 - 12 (D) serving a writ not otherwise listed (Art.
13 102.011, Code of Criminal Procedure) . . . \$35;
 - 14 (E) taking and approving a bond and, if
15 necessary, returning the bond to courthouse (Art. 102.011, Code of
16 Criminal Procedure) . . . \$10;
 - 17 (F) commitment or release (Art. 102.011, Code of
18 Criminal Procedure) . . . \$5;
 - 19 (G) summoning a jury (Art. 102.011, Code of
20 Criminal Procedure) . . . \$5;
 - 21 (H) attendance of a prisoner in habeas corpus
22 case if prisoner has been remanded to custody or held to bail (Art.
23 102.011, Code of Criminal Procedure) . . . \$8 each day;
 - 24 (I) mileage for certain services performed (Art.
25 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
 - 26 (J) services of a sheriff or constable who serves
27 process and attends examining trial in certain cases (Art. 102.011,

- 1 Code of Criminal Procedure) . . . not to exceed \$5;
- 2 (4) services of a peace officer in conveying a witness
3 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
4 \$10 per day or part of a day, plus actual necessary travel expenses;
- 5 (5) overtime of peace officer for time spent
6 testifying in the trial or traveling to or from testifying in the
7 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- 8 (6) court costs on an offense relating to rules of the
9 road, when offense occurs within a school crossing zone (Art.
10 102.014, Code of Criminal Procedure) . . . \$25;
- 11 (7) court costs on an offense of passing a school bus
12 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 13 (8) court costs on an offense of parent contributing
14 to student nonattendance [~~truancy or contributing to truancy~~] (Art.
15 102.014, Code of Criminal Procedure) . . . \$20;
- 16 (9) cost for visual recording of intoxication arrest
17 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
18 \$15;
- 19 (10) cost of certain evaluations (Art. 102.018, Code
20 of Criminal Procedure) . . . actual cost;
- 21 (11) additional costs attendant to certain
22 intoxication convictions under Chapter 49, Penal Code, for
23 emergency medical services, trauma facilities, and trauma care
24 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 25 (12) additional costs attendant to certain child
26 sexual assault and related convictions, for child abuse prevention
27 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

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

3 (14) court cost for DNA testing for the offense of
4 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of
5 Criminal Procedure) . . . \$50;

6 (15) court cost for DNA testing for certain felonies
7 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

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

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

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

21 SECTION 38. Section 103.021, Government Code, is amended to
22 read as follows:

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

- 1 (1) a personal bond fee (Art. [17.42](#), Code of Criminal
2 Procedure) . . . the greater of \$20 or three percent of the amount
3 of the bail fixed for the accused;
- 4 (2) cost of electronic monitoring as a condition of
5 release on personal bond (Art. [17.43](#), Code of Criminal Procedure)
6 . . . actual cost;
- 7 (3) a fee for verification of and monitoring of motor
8 vehicle ignition interlock (Art. [17.441](#), Code of Criminal
9 Procedure) . . . not to exceed \$10;
- 10 (3-a) costs associated with operating a global
11 positioning monitoring system as a condition of release on bond
12 (Art. [17.49\(b\)\(2\)](#), Code of Criminal Procedure) . . . actual costs,
13 subject to a determination of indigency;
- 14 (3-b) costs associated with providing a defendant's
15 victim with an electronic receptor device as a condition of the
16 defendant's release on bond (Art. [17.49\(b\)\(3\)](#), Code of Criminal
17 Procedure) . . . actual costs, subject to a determination of
18 indigency;
- 19 (4) repayment of reward paid by a crime stoppers
20 organization on conviction of a felony (Art. [37.073](#), Code of
21 Criminal Procedure) . . . amount ordered;
- 22 (5) reimbursement to general revenue fund for payments
23 made to victim of an offense as condition of community supervision
24 (Art. [42.12](#), Code of Criminal Procedure) . . . not to exceed \$50 for
25 a misdemeanor offense or \$100 for a felony offense;
- 26 (6) payment to a crime stoppers organization as
27 condition of community supervision (Art. [42.12](#), Code of Criminal

- 1 Procedure) . . . not to exceed \$50;
- 2 (7) children's advocacy center fee (Art. 42.12, Code
3 of Criminal Procedure) . . . not to exceed \$50;
- 4 (8) family violence center fee (Art. 42.12, Code of
5 Criminal Procedure) . . . \$100;
- 6 (9) community supervision fee (Art. 42.12, Code of
7 Criminal Procedure) . . . not less than \$25 or more than \$60 per
8 month;
- 9 (10) additional community supervision fee for certain
10 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
11 month;
- 12 (11) for certain financially able sex offenders as a
13 condition of community supervision, the costs of treatment,
14 specialized supervision, or rehabilitation (Art. 42.12, Code of
15 Criminal Procedure) . . . all or part of the reasonable and
16 necessary costs of the treatment, supervision, or rehabilitation as
17 determined by the judge;
- 18 (12) fee for failure to appear for trial in a justice
19 or municipal court if a jury trial is not waived (Art. 45.026, Code
20 of Criminal Procedure) . . . costs incurred for impaneling the
21 jury;
- 22 (13) costs of certain testing, assessments, or
23 programs during a deferral period (Art. 45.051, Code of Criminal
24 Procedure) . . . amount ordered;
- 25 (14) special expense on dismissal of certain
26 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
27 . . . not to exceed amount of fine assessed;

- 1 (15) an additional fee:
- 2 (A) for a copy of the defendant's driving record
3 to be requested from the Department of Public Safety by the judge
4 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
5 to the sum of the fee established by Section 521.048,
6 Transportation Code, and the state electronic Internet portal fee;
- 7 (B) as an administrative fee for requesting a
8 driving safety course or a course under the motorcycle operator
9 training and safety program for certain traffic offenses to cover
10 the cost of administering the article (Art. 45.0511(f)(1), Code of
11 Criminal Procedure) . . . not to exceed \$10; or
- 12 (C) for requesting a driving safety course or a
13 course under the motorcycle operator training and safety program
14 before the final disposition of the case (Art. 45.0511(f)(2), Code
15 of Criminal Procedure) . . . not to exceed the maximum amount of the
16 fine for the offense committed by the defendant;
- 17 (16) a request fee for teen court program (Art.
18 45.052, Code of Criminal Procedure) . . . \$20, if the court
19 ordering the fee is located in the Texas-Louisiana border region,
20 but otherwise not to exceed \$10;
- 21 (17) a fee to cover costs of required duties of teen
22 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
23 court ordering the fee is located in the Texas-Louisiana border
24 region, but otherwise \$10;
- 25 (18) a mileage fee for officer performing certain
26 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
27 mile;

- 1 (19) certified mailing of notice of hearing date (Art.
2 [102.006](#), Code of Criminal Procedure) . . . \$1, plus postage;
- 3 (20) certified mailing of certified copies of an order
4 of expunction (Art. [102.006](#), Code of Criminal Procedure) . . . \$2,
5 plus postage;
- 6 (20-a) a fee to defray the cost of notifying state
7 agencies of orders of expungement (Art. [45.0216](#), Code of Criminal
8 Procedure) . . . \$30 per application;
- 9 ~~[(20-b) a fee to defray the cost of notifying state
10 agencies of orders of expunction (Art. [45.055](#), Code of Criminal
11 Procedure) . . . \$30 per application,]~~
- 12 (21) sight orders:
- 13 (A) if the face amount of the check or sight order
14 does not exceed \$10 (Art. [102.007](#), Code of Criminal Procedure)
15 . . . not to exceed \$10;
- 16 (B) if the face amount of the check or sight order
17 is greater than \$10 but does not exceed \$100 (Art. [102.007](#), Code of
18 Criminal Procedure) . . . not to exceed \$15;
- 19 (C) if the face amount of the check or sight order
20 is greater than \$100 but does not exceed \$300 (Art. [102.007](#), Code of
21 Criminal Procedure) . . . not to exceed \$30;
- 22 (D) if the face amount of the check or sight order
23 is greater than \$300 but does not exceed \$500 (Art. [102.007](#), Code of
24 Criminal Procedure) . . . not to exceed \$50; and
- 25 (E) if the face amount of the check or sight order
26 is greater than \$500 (Art. [102.007](#), Code of Criminal Procedure)
27 . . . not to exceed \$75;

- 1 (22) fees for a pretrial intervention program:
 - 2 (A) a supervision fee (Art. 102.012(a), Code of
 - 3 Criminal Procedure) . . . \$60 a month plus expenses; and
 - 4 (B) a district attorney, criminal district
 - 5 attorney, or county attorney administrative fee (Art. 102.0121,
 - 6 Code of Criminal Procedure) . . . not to exceed \$500;
- 7 (23) parking fee violations for child safety fund in
- 8 municipalities with populations:
 - 9 (A) greater than 850,000 (Art. 102.014, Code of
 - 10 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and
 - 11 (B) less than 850,000 (Art. 102.014, Code of
 - 12 Criminal Procedure) . . . not to exceed \$5;
- 13 (24) an administrative fee for collection of fines,
- 14 fees, restitution, or other costs (Art. 102.072, Code of Criminal
- 15 Procedure) . . . not to exceed \$2 for each transaction; and
- 16 (25) a collection fee, if authorized by the
- 17 commissioners court of a county or the governing body of a
- 18 municipality, for certain debts and accounts receivable, including
- 19 unpaid fines, fees, court costs, forfeited bonds, and restitution
- 20 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
- 21 percent of an amount more than 60 days past due.

22 SECTION 39. Subchapter B, Chapter 103, Government Code, is

23 amended by adding Section 103.035 to read as follows:

24 Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: EDUCATION

25 CODE. A party to a truancy case in a truancy court shall pay court

26 costs of \$50 under Section 25A.107, Education Code, if ordered by

27 the truancy court.

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

3 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The
4 commissioners court may accept a gift, grant, donation, bequest, or
5 devise of money or other property on behalf of the county, including
6 a donation under Chapter 36, Government Code, for the purpose of
7 performing a function conferred by law on the county or a county
8 officer.

9 SECTION 41. The following laws are repealed:

10 (1) Articles 45.054 and 45.055, Code of Criminal
11 Procedure;

12 (2) Section 25.094, Education Code; and

13 (3) Sections 51.03(d), (e-1), and (g), 51.04(h),
14 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1),
15 Family Code.

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

25 SECTION 43. To the extent of any conflict, this Act prevails
26 over another Act of the 84th Legislature, Regular Session, 2015,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 44. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2015.