

1-1 By: Whitmire, Bettencourt, Ellis S.B. No. 106  
 1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 7, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 1; April 7, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 106 By: Whitmire

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to court jurisdiction and procedures relating to truancy;  
 1-20 providing criminal penalties; imposing a court cost.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 4.14(g), Code of Criminal Procedure, is  
 1-23 amended to read as follows:

1-24 (g) A municipality may enter into an agreement with a  
 1-25 contiguous municipality or a municipality with boundaries that are  
 1-26 within one-half mile of the municipality seeking to enter into the  
 1-27 agreement to establish concurrent jurisdiction of the municipal  
 1-28 courts in the municipalities and provide original jurisdiction to a  
 1-29 municipal court in which a case is brought as if the municipal court  
 1-30 were located in the municipality in which the case arose, for:

1-31 (1) all cases in which either municipality has  
 1-32 jurisdiction under Subsection (a); and

1-33 (2) cases that arise under Section 821.022, Health and  
 1-34 Safety Code [~~, or Section 25.094, Education Code~~].

1-35 SECTION 2. Articles 45.0216(f) and (g), Code of Criminal  
 1-36 Procedure, are amended to read as follows:

1-37 (f) The court shall order the conviction, together with all  
 1-38 complaints, verdicts, sentences, and prosecutorial and law  
 1-39 enforcement records, and any other documents relating to the  
 1-40 offense, expunged from the person's record if the court finds that:

1-41 (1) for a person applying for the expunction of a  
 1-42 conviction for an offense described by Section 8.07(a)(4) or (5),  
 1-43 Penal Code, the person was not convicted of any other offense  
 1-44 described by Section 8.07(a)(4) or (5), Penal Code, while the  
 1-45 person was a child; and

1-46 (2) for a person applying for the expunction of a  
 1-47 conviction for an offense described by Section 43.261, Penal Code,  
 1-48 the person was not found to have engaged in conduct indicating a  
 1-49 need for supervision described by Section 51.03(b)(7)  
 1-50 [~~51.03(b)(8)~~], Family Code, while the person was a child.

1-51 (g) This article does not apply to any offense otherwise  
 1-52 covered by:

1-53 (1) Chapter 106, Alcoholic Beverage Code; or

1-54 (2) Chapter 161, Health and Safety Code [~~, or~~

1-55 [~~(3) Section 25.094, Education Code~~].

1-56 SECTION 3. Subchapter B, Chapter 45, Code of Criminal  
 1-57 Procedure, is amended by adding Article 45.0541 to read as follows:

1-58 Art. 45.0541. AUTOMATIC EXPUNCTION OF TRUANCY RECORDS.

1-59 (a) In this article, "truancy offense" means an offense committed  
 1-60 under the former Section 25.094, Education Code.

2-1 (b) An individual who has been convicted of a truancy  
 2-2 offense or has had a complaint for a truancy offense dismissed is  
 2-3 entitled to have the conviction or complaint and records relating  
 2-4 to the conviction or complaint automatically expunged.

2-5 (c) The court in which the individual was convicted or a  
 2-6 complaint for a truancy offense was filed shall order the  
 2-7 conviction, complaints, verdicts, sentences, and other documents  
 2-8 relating to the offense, including any documents in the possession  
 2-9 of a school district or law enforcement agency, to be expunged from  
 2-10 the individual's record. After entry of the order, the individual  
 2-11 is released from all disabilities resulting from the conviction or  
 2-12 complaint, and the conviction or complaint may not be shown or made  
 2-13 known for any purpose. The court shall inform the individual of the  
 2-14 expunction.

2-15 SECTION 4. Articles 45.056(a) and (c), Code of Criminal  
 2-16 Procedure, as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B.  
 2-17 393), Acts of the 83rd Legislature, Regular Session, 2013, are  
 2-18 reenacted and amended to read as follows:

2-19 (a) On approval of the commissioners court, city council,  
 2-20 ~~[school district board of trustees,]~~ juvenile board, or other  
 2-21 appropriate authority, a county court, justice court, municipal  
 2-22 court, ~~[school district,]~~ juvenile probation department, or other  
 2-23 appropriate governmental entity may:

2-24 (1) employ a case manager to provide services in cases  
 2-25 involving juvenile offenders who are before a court consistent with  
 2-26 the court's statutory powers or referred to a court by a school  
 2-27 administrator or designee for misconduct that would otherwise be  
 2-28 within the court's statutory powers prior to a case being filed,  
 2-29 with the consent of the juvenile and the juvenile's parents or  
 2-30 guardians;

2-31 (2) employ one or more juvenile case managers who:  
 2-32 (A) shall assist the court in administering the  
 2-33 court's juvenile docket and in supervising the court's orders in  
 2-34 juvenile cases; and

2-35 (B) may provide:  
 2-36 (i) prevention services to a child  
 2-37 considered at risk of entering the juvenile justice system; and  
 2-38 (ii) intervention services to juveniles  
 2-39 engaged in misconduct before cases are filed, excluding traffic  
 2-40 offenses; or

2-41 (3) agree in accordance with Chapter 791, Government  
 2-42 Code, with any appropriate governmental entity to jointly employ a  
 2-43 case manager or to jointly contribute to the costs of a case manager  
 2-44 employed by one governmental entity to provide services described  
 2-45 by Subdivisions (1) and (2).

2-46 (c) An entity that jointly employs a case manager under  
 2-47 Subsection (a)(3) employs a juvenile case manager for purposes of  
 2-48 Chapter 102 of this code and Chapter 102, Government Code. ~~[A~~  
 2-49 ~~county or justice court on approval of the commissioners court or a~~  
 2-50 ~~municipality or municipal court on approval of the city council may~~  
 2-51 ~~employ one or more juvenile case managers who:~~

2-52 ~~[(1) shall assist the court in administering the~~  
 2-53 ~~court's juvenile docket and in supervising its court orders in~~  
 2-54 ~~juvenile cases; and~~

2-55 ~~[(2) may provide:~~  
 2-56 ~~[(A) prevention services to a child considered~~  
 2-57 ~~at risk of entering the juvenile justice system; and~~

2-58 ~~[(B) intervention services to juveniles engaged~~  
 2-59 ~~in misconduct prior to cases being filed, excluding traffic~~  
 2-60 ~~offenses.]~~

2-61 SECTION 5. Article 102.014(d), Code of Criminal Procedure,  
 2-62 is amended to read as follows:

2-63 (d) A person convicted of an offense under Section 25.093  
 2-64 ~~[or 25.094]~~, Education Code, shall pay as taxable court costs \$20 in  
 2-65 addition to other taxable court costs. The additional court costs  
 2-66 under this subsection shall be collected in the same manner that  
 2-67 other fines and taxable court costs in the case are collected.

2-68 SECTION 6. (a) Section 7.111(a), Education Code, as amended  
 2-69 by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of the 83rd

3-1 Legislature, Regular Session, 2013, is reenacted to read as  
3-2 follows:

3-3 (a) The board shall provide for the administration of high  
3-4 school equivalency examinations.

3-5 (b) Section 7.111(a-1), Education Code, is amended to  
3-6 conform to the amendment of Section 7.111(a), Education Code, by  
3-7 Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular  
3-8 Session, 2013, and is further amended to read as follows:

3-9 (a-1) A person who does not have a high school diploma may  
3-10 take the examination in accordance with rules adopted by the board  
3-11 if the person is:

3-12 (1) over 17 years of age;

3-13 (2) 16 years of age or older and:

3-14 (A) is enrolled in a Job Corps training program  
3-15 under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801  
3-16 et seq.), and its subsequent amendments;

3-17 (B) a public agency providing supervision of the  
3-18 person or having custody of the person under a court order  
3-19 recommends that the person take the examination; or

3-20 (C) is enrolled in the Texas Military  
3-21 Department's [adjutant general's department's] Seaborne Challenge  
3-22 Corps; or

3-23 (3) required to take the examination under a court  
3-24 order issued under Section 64.03(a)(3).

3-25 SECTION 7. Section 25.085, Education Code, is amended by  
3-26 amending Subsections (e) and (f) and adding Subsections (g) and (h)  
3-27 to read as follows:

3-28 (e) A person who voluntarily enrolls in school or  
3-29 voluntarily attends school after the person's 18th birthday shall  
3-30 attend school each school day for the entire period the program of  
3-31 instruction is offered. A school district may revoke for the  
3-32 remainder of the school year the enrollment of a person who has more  
3-33 than five absences in a semester that are not excused under Section  
3-34 25.087, except a school district may not revoke the enrollment of a  
3-35 person under this subsection on a day on which the person is  
3-36 physically present at school. A person whose enrollment is revoked  
3-37 under this subsection may be considered an unauthorized person on  
3-38 school district grounds for purposes of Section 37.107.

3-39 (f) The board of trustees of a school district may adopt a  
3-40 policy requiring a person described by Subsection (e) who is under  
3-41 21 years of age to attend school until the end of the school year.  
3-42 Section 62.03(a) does not apply [~~25.094 applies~~] to a person  
3-43 subject to a policy adopted under this subsection. Sections 25.093  
3-44 and 25.095 do not apply to the parent of a person subject to a policy  
3-45 adopted under this subsection.

3-46 (g) After the third unexcused absence of a person described  
3-47 by Subsection (e), a school district shall issue a warning letter to  
3-48 the person that states the person's enrollment may be revoked for  
3-49 the remainder of the school year if the person has more than five  
3-50 unexcused absences in a semester.

3-51 (h) As an alternative to revoking a person's enrollment  
3-52 under Subsection (e), a school district may impose a behavior  
3-53 improvement plan described by Section 25.0915(a-1)(1).

3-54 SECTION 8. Sections 25.091(a) and (b), Education Code, are  
3-55 amended to read as follows:

3-56 (a) A peace officer serving as an attendance officer has the  
3-57 following powers and duties concerning enforcement of compulsory  
3-58 school attendance requirements:

3-59 (1) to investigate each case of a violation of  
3-60 compulsory school attendance requirements referred to the peace  
3-61 officer;

3-62 (2) to enforce compulsory school attendance  
3-63 requirements by:

3-64 (A) applying truancy prevention measures adopted  
3-65 under Section 25.0915 to the student; and

3-66 (B) if the truancy prevention measures fail to  
3-67 meaningfully address the student's conduct:

3-68 (i) referring the student to a truancy  
3-69 court [juvenile court or filing a complaint against the student in a

4-1 ~~county, justice, or municipal court]~~ if the student has unexcused  
4-2 absences for the amount of time specified under Section 62.03(a)  
4-3 [~~25.094 or under Section 51.03(b)(2), Family Code~~]; or

4-4 (ii) filing a complaint in a county,  
4-5 justice, or municipal court against a parent who violates Section  
4-6 25.093;

4-7 (3) to serve court-ordered legal process;

4-8 (4) to review school attendance records for compliance  
4-9 by each student investigated by the officer;

4-10 (5) to maintain an investigative record on each  
4-11 compulsory school attendance requirement violation and related  
4-12 court action and, at the request of a court, the board of trustees  
4-13 of a school district, or the commissioner, to provide a record to  
4-14 the individual or entity requesting the record; and

4-15 (6) to make a home visit or otherwise contact the  
4-16 parent of a student who is in violation of compulsory school  
4-17 attendance requirements, except that a peace officer may not enter  
4-18 a residence without the permission of the parent of a student  
4-19 required under this subchapter to attend school or of the tenant or  
4-20 owner of the residence except to lawfully serve court-ordered legal  
4-21 process on the parent[~~, and~~

4-22 [~~(7) to take a student into custody with the~~  
4-23 ~~permission of the student's parent or in obedience to a~~  
4-24 ~~court-ordered legal process].~~

4-25 (b) An attendance officer employed by a school district who  
4-26 is not commissioned as a peace officer has the following powers and  
4-27 duties with respect to enforcement of compulsory school attendance  
4-28 requirements:

4-29 (1) to investigate each case of a violation of the  
4-30 compulsory school attendance requirements referred to the  
4-31 attendance officer;

4-32 (2) to enforce compulsory school attendance  
4-33 requirements by:

4-34 (A) applying truancy prevention measures adopted  
4-35 under Section 25.0915 to the student; and

4-36 (B) if the truancy prevention measures fail to  
4-37 meaningfully address the student's conduct:

4-38 (i) referring the student to a truancy  
4-39 court [~~juvenile court or filing a complaint against the student in a~~  
4-40 ~~county, justice, or municipal court]~~ if the student has unexcused  
4-41 absences for the amount of time specified under Section 62.03(a)  
4-42 [~~25.094 or under Section 51.03(b)(2), Family Code~~]; and

4-43 (ii) filing a complaint in a county,  
4-44 justice, or municipal court against a parent who violates Section  
4-45 25.093;

4-46 (3) to monitor school attendance compliance by each  
4-47 student investigated by the officer;

4-48 (4) to maintain an investigative record on each  
4-49 compulsory school attendance requirement violation and related  
4-50 court action and, at the request of a court, the board of trustees  
4-51 of a school district, or the commissioner, to provide a record to  
4-52 the individual or entity requesting the record;

4-53 (5) to make a home visit or otherwise contact the  
4-54 parent of a student who is in violation of compulsory school  
4-55 attendance requirements, except that the attendance officer may not  
4-56 enter a residence without permission of the parent or of the owner  
4-57 or tenant of the residence; and

4-58 (6) at the request of a parent, to escort a student  
4-59 from any location to a school campus to ensure the student's  
4-60 compliance with compulsory school attendance requirements[~~, and~~

4-61 [~~(7) if the attendance officer has or is informed of a~~  
4-62 ~~court-ordered legal process directing that a student be taken into~~  
4-63 ~~custody and the school district employing the officer does not~~  
4-64 ~~employ its own police department, to contact the sheriff,~~  
4-65 ~~constable, or any peace officer to request that the student be taken~~  
4-66 ~~into custody and processed according to the legal process].~~

4-67 SECTION 9. Section 25.0915, Education Code, is amended by  
4-68 amending Subsections (a), (b), and (c) and adding Subsections  
4-69 (a-1), (a-2), (a-3), (d), (e), (f), and (g) to read as follows:

5-1 (a) A school district shall adopt truancy prevention  
5-2 measures designed to:

5-3 (1) address student conduct related to truancy in the  
5-4 school setting before the student engages in conduct described by  
5-5 Section 62.03(a); and

5-6 (2) minimize the need for referrals to truancy  
5-7 [juvenile] court for conduct described by Section 62.03(a)  
5-8 [51.03(b)(2), Family Code, and

5-9 [3) minimize the filing of complaints in county,  
5-10 justice, and municipal courts alleging a violation of Section  
5-11 25.094].

5-12 (a-1) As a truancy prevention measure under Subsection (a),  
5-13 a school district shall take one or more of the following actions:

5-14 (1) impose:

5-15 (A) a behavior improvement plan on the student  
5-16 that must be signed by an employee of the school, that the school  
5-17 district has made a good faith effort to have signed by the student  
5-18 and the student's parent or guardian, and that includes:

5-19 (i) a specific description of the behavior  
5-20 that is required or prohibited for the student;

5-21 (ii) the period for which the plan will be  
5-22 effective, not to exceed 45 school days after the date the contract  
5-23 becomes effective; or

5-24 (iii) the penalties for additional  
5-25 absences, including additional disciplinary action or the referral  
5-26 of the student to a truancy court; or

5-27 (B) school-based community service; or

5-28 (2) refer the student to counseling, community-based  
5-29 services, or other in-school or out-of-school services aimed at  
5-30 addressing the student's truancy.

5-31 (a-2) A referral made under Subsection (a-1)(2) may include  
5-32 participation by the child's parent or guardian if necessary.

5-33 (a-3) A school district shall offer additional counseling  
5-34 to a student and may not refer the student to truancy court if the  
5-35 school determines that the student's truancy is the result of:

5-36 (1) pregnancy;

5-37 (2) being in the state foster program;

5-38 (3) homelessness; or

5-39 (4) being the principal income earner for the  
5-40 student's family.

5-41 (b) Each referral to truancy [juvenile] court for conduct  
5-42 described by Section 62.03(a) [51.03(b)(2), Family Code, or  
5-43 complaint filed in county, justice, or municipal court alleging a  
5-44 violation by a student of Section 25.094] must:

5-45 (1) be accompanied by a statement from the student's  
5-46 school certifying that:

5-47 (A) the school applied the truancy prevention  
5-48 measures adopted under Subsection (a) to the student; and

5-49 (B) the truancy prevention measures failed to  
5-50 meaningfully address the student's school attendance; and

5-51 (2) specify whether the student is eligible for or  
5-52 receives special education services under Subchapter A, Chapter 29.

5-53 (c) A truancy court shall dismiss a petition filed by a  
5-54 truancy prosecutor under Section 63.04 if the court  
5-55 determines that the school district's referral:

5-56 (1) does [complaint or referral made by a school  
5-57 district under this section that is] not comply [made in  
5-58 compliance] with Subsection (b);

5-59 (2) does not satisfy the elements required for truancy  
5-60 conduct;

5-61 (3) is not timely filed; or

5-62 (4) is otherwise defective.

5-63 (d) Except as provided by Subsection (e), a school district  
5-64 shall employ a truancy prevention facilitator to implement the  
5-65 truancy prevention measures required by this section and any other  
5-66 effective truancy prevention measures as determined by the school  
5-67 district or campus. At least annually, the truancy prevention  
5-68 facilitator shall meet to discuss effective truancy prevention  
5-69 measures with a case manager or other individual designated by a

6-1 truancy court to provide services to students of the school  
6-2 district in truancy cases.

6-3 (e) Instead of employing a truancy prevention facilitator,  
6-4 a school district may designate an existing district employee to  
6-5 implement the truancy prevention measures required by this section  
6-6 and any other effective truancy prevention measures as determined  
6-7 by the school district or campus.

6-8 (f) The agency shall adopt rules:

6-9 (1) creating minimum standards for truancy prevention  
6-10 measures adopted by a school district under this section; and

6-11 (2) establishing a set of best practices for truancy  
6-12 prevention measures.

6-13 (g) The agency shall adopt rules to provide for sanctions  
6-14 for a school district found to be not in compliance with this  
6-15 section.

6-16 SECTION 10. Sections 25.0916(a), (c), (d), (f), (h), and  
6-17 (i), Education Code, are amended to read as follows:

6-18 (a) This section applies only to a county with two or more  
6-19 courts hearing truancy cases [+

6-20 [~~(1) with a population greater than 1.5 million; and~~

6-21 [~~(2) that includes at least:~~

6-22 [~~(A) 15 school districts with the majority of~~  
6-23 ~~district territory in the county; and~~

6-24 [~~(B) one school district with a student~~  
6-25 ~~enrollment of 50,000 or more and an annual dropout rate spanning~~  
6-26 ~~grades 9-12 of at least five percent, computed in accordance with~~  
6-27 ~~standards and definitions adopted by the National Center for~~  
6-28 ~~Education Statistics of the United States Department of Education].~~

6-29 (c) Not later than September 1, 2016 [~~2013~~], the county  
6-30 judge and the mayor of the municipality in the county with the  
6-31 greatest population shall each appoint one member to serve on the  
6-32 committee as a representative of each of the following:

6-33 (1) a juvenile [~~district~~] court;

6-34 (2) a municipal court;

6-35 (3) the office of a justice of the peace;

6-36 (4) the superintendent or designee of an independent  
6-37 school district;

6-38 (5) an open-enrollment charter school;

6-39 (6) the office of the prosecutor with felony  
6-40 jurisdiction in the county [~~district attorney~~]; and

6-41 (7) the general public.

6-42 (d) Not later than September 1, 2016 [~~2013~~], the county  
6-43 judge shall appoint to serve on the committee one member from the  
6-44 house of representatives and one member from the senate who are  
6-45 members of the respective standing legislative committees with  
6-46 primary jurisdiction over public education.

6-47 (f) Not later than September 1, 2017 [~~2014~~], the committee  
6-48 shall recommend:

6-49 (1) a uniform process for filing truancy cases with  
6-50 the judicial system;

6-51 (2) uniform administrative procedures;

6-52 (3) uniform deadlines for processing truancy cases;

6-53 (4) effective prevention, intervention, and diversion  
6-54 methods to reduce truancy and referrals to a county, justice, or  
6-55 municipal court;

6-56 (5) a system for tracking truancy information and  
6-57 sharing truancy information among school districts and  
6-58 open-enrollment charter schools in the county; and

6-59 (6) any changes to statutes or state agency rules the  
6-60 committee determines are necessary to address truancy.

6-61 (h) The committee's presiding officer shall issue a report  
6-62 not later than December 1, 2017 [~~2015~~], on the implementation of the  
6-63 recommendations and compliance with state truancy laws by a school  
6-64 district located in the county.

6-65 (i) This section expires January 1, 2018 [~~2016~~].

6-66 SECTION 11. Section 25.093, Education Code, is amended by  
6-67 amending Subsections (a) and (c) and adding Subsection (c-1) to  
6-68 read as follows:

6-69 (a) If a warning is issued as required by Section 25.095(a),

7-1 the parent with criminal negligence fails to require the child to  
 7-2 attend school as required by law, and the child has absences for the  
 7-3 amount of time specified under Section 62.03(a) [~~25.094~~], the  
 7-4 parent commits an offense.

7-5 (c) An offense under Subsection (a) is a Class C  
 7-6 misdemeanor, punishable by a fine not to exceed:

- 7-7 (1) \$100 for a first offense;
- 7-8 (2) \$200 for a second offense;
- 7-9 (3) \$300 for a third offense;
- 7-10 (4) \$400 for a fourth offense; or
- 7-11 (5) \$500 for a fifth or subsequent offense.

7-12 (c-1) Each day the child remains out of school may  
 7-13 constitute a separate offense. Two or more offenses under  
 7-14 Subsection (a) may be consolidated and prosecuted in a single  
 7-15 action. If the court orders deferred disposition under Article  
 7-16 45.051, Code of Criminal Procedure, the court may require the  
 7-17 defendant to provide personal services to a charitable or  
 7-18 educational institution as a condition of the deferral.

7-19 SECTION 12. Sections 25.095(a) and (c), Education Code, are  
 7-20 amended to read as follows:

7-21 (a) A school district or open-enrollment charter school  
 7-22 shall notify a student's parent in writing at the beginning of the  
 7-23 school year that if the student is absent from school on 10 or more  
 7-24 days or parts of days within a six-month period in the same school  
 7-25 year or on three or more days or parts of days within a four-week  
 7-26 period:

7-27 (1) the student's parent is subject to prosecution  
 7-28 under Section 25.093; and

7-29 (2) the student is subject to [~~prosecution under~~  
 7-30 ~~Section 25.094 or to~~] referral to a truancy [~~juvenile~~] court [~~in a~~  
 7-31 ~~county with a population of less than 100,000~~] for truant conduct  
 7-32 under Section 62.03(a) [~~that violates that section~~].

7-33 (c) The fact that a parent did not receive a notice under  
 7-34 Subsection (a) or (b) does not create a defense [~~to prosecution~~]  
 7-35 under Section 25.093 or 62.03(a) [~~25.094~~].

7-36 SECTION 13. Section 25.0951, Education Code, is amended to  
 7-37 read as follows:

7-38 Sec. 25.0951. SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR  
 7-39 FAILURE TO ATTEND SCHOOL. (a) If a student fails to attend school  
 7-40 without excuse on 10 or more days or parts of days within a  
 7-41 six-month period in the same school year, a school district shall  
 7-42 within 10 school days of the student's 10th absence[+]

7-43 [~~(1) file a complaint against the student or the~~  
 7-44 ~~student's parent or both in a county, justice, or municipal court~~  
 7-45 ~~for an offense under Section 25.093 or 25.094, as appropriate, or~~  
 7-46 ~~refer the student to a juvenile court in a county with a population~~  
 7-47 ~~of less than 100,000 for conduct that violates Section 25.094, or~~

7-48 [~~(2)~~] refer the student to a truancy [~~juvenile~~] court  
 7-49 for truant conduct [~~indicating a need for supervision~~] under  
 7-50 Section 62.03(a) [51.03(b)(2), Family Code].

7-51 (b) If a student fails to attend school without excuse on  
 7-52 three or more days or parts of days within a four-week period but  
 7-53 does not fail to attend school for the time described by Subsection  
 7-54 (a), the school district may[+]

7-55 [~~(1) file a complaint against the student or the~~  
 7-56 ~~student's parent or both in a county, justice, or municipal court~~  
 7-57 ~~for an offense under Section 25.093 or 25.094, as appropriate, or~~  
 7-58 ~~refer the student to a juvenile court in a county with a population~~  
 7-59 ~~of less than 100,000 for conduct that violates Section 25.094, or~~

7-60 [~~(2)~~] refer the student to a truancy [~~juvenile~~] court  
 7-61 for truant conduct [~~indicating a need for supervision~~] under  
 7-62 Section 62.03(a) [51.03(b)(2), Family Code].

7-63 (c) If a student fails to attend school without excuse as  
 7-64 specified by Subsection (a) or (b), a school district may file a  
 7-65 complaint against the student's parent in a county, justice, or  
 7-66 municipal court for an offense under Section 25.093 if the school  
 7-67 district provides evidence of the parent's criminal negligence. In  
 7-68 this subsection [~~section~~], "parent" includes a person standing in  
 7-69 parental relation.

8-1 (d) A court shall dismiss a complaint [~~or referral~~] made by  
 8-2 a school district under Subsection (c) [~~under this section~~] that:  
 8-3 (1) does [is] not comply [made in compliance] with  
 8-4 this section;  
 8-5 (2) does not satisfy the elements required for the  
 8-6 offense;  
 8-7 (3) is not timely filed; or  
 8-8 (4) is otherwise defective.

8-9 SECTION 14. Section 25.0952, Education Code, is amended to  
 8-10 read as follows:

8-11 Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING  
 8-12 TO NONATTENDANCE OFFENSE [~~SCHOOL ATTENDANCE-RELATED OFFENSES~~]. In  
 8-13 a proceeding based on a complaint under Section 25.093 [~~or 25.094~~],  
 8-14 the court shall, except as otherwise provided by this chapter, use  
 8-15 the procedures and exercise the powers authorized by Chapter 45,  
 8-16 Code of Criminal Procedure.

8-17 SECTION 15. Section 29.087(d), Education Code, is amended  
 8-18 to read as follows:

8-19 (d) A student is eligible to participate in a program  
 8-20 authorized by this section if:

8-21 (1) the student has been ordered by a court under  
 8-22 Section 64.03 [~~Article 45.054, Code of Criminal Procedure, as added~~  
 8-23 ~~by Chapter 1514, Acts of the 77th Legislature, Regular Session,~~  
 8-24 ~~2001,~~] or by the Texas Juvenile Justice Department [~~Youth~~  
 8-25 ~~Commission~~] to:

8-26 (A) participate in a preparatory class for the  
 8-27 high school equivalency examination; or

8-28 (B) take the high school equivalency examination  
 8-29 administered under Section 7.111; or

8-30 (2) the following conditions are satisfied:

8-31 (A) the student is at least 16 years of age at the  
 8-32 beginning of the school year or semester;

8-33 (B) the student is a student at risk of dropping  
 8-34 out of school, as defined by Section 29.081;

8-35 (C) the student and the student's parent or  
 8-36 guardian agree in writing to the student's participation;

8-37 (D) at least two school years have elapsed since  
 8-38 the student first enrolled in ninth grade and the student has  
 8-39 accumulated less than one third of the credits required to graduate  
 8-40 under the minimum graduation requirements of the district or  
 8-41 school; and

8-42 (E) any other conditions specified by the  
 8-43 commissioner.

8-44 SECTION 16. Section 33.051(2), Education Code, is amended  
 8-45 to read as follows:

8-46 (2) "Missing child" means a child whose whereabouts  
 8-47 are unknown to the legal custodian of the child and:

8-48 (A) the circumstances of whose absence indicate  
 8-49 that the child did not voluntarily leave the care and control of the  
 8-50 custodian and that the taking of the child was not authorized by  
 8-51 law; or

8-52 (B) the child has engaged in conduct indicating a  
 8-53 need for supervision under Section 51.03(b)(2) [~~51.03(b)(3)~~],  
 8-54 Family Code.

8-55 SECTION 17. Title 2, Education Code, is amended by adding  
 8-56 Subtitle J to read as follows:

8-57 SUBTITLE J. TRUANCY COURT PROCEEDINGS  
 8-58 CHAPTER 62. GENERAL PROVISIONS

8-59 Sec. 62.01. SCOPE AND PURPOSE. (a) This subtitle details  
 8-60 the procedures and proceedings in cases involving allegations of  
 8-61 truancy conduct.

8-62 (b) The purpose of this subtitle is to encourage school  
 8-63 attendance by creating simple civil judicial procedures through  
 8-64 which children are held accountable for excessive school absences.

8-65 Sec. 62.02. DEFINITIONS. In this subtitle:

8-66 (1) "Child" means a person who is 12 years of age or  
 8-67 older and younger than 18 years of age.

8-68 (2) "Juvenile court" means a court designated under  
 8-69 Section 51.04, Family Code, to exercise jurisdiction over



9-1 proceedings under Title 3, Family Code.

9-2 (3) "Qualified telephone interpreter" means a  
9-3 telephone service that employs licensed court interpreters, as  
9-4 defined by Section 157.001, Government Code.

9-5 (4) "Truancy court" means a court designated under  
9-6 Section 62.04 to exercise jurisdiction over cases involving  
9-7 allegations of truant conduct.

9-8 Sec. 62.03. TRUANT CONDUCT. (a) A child engages in truant  
9-9 conduct if the child is required to attend school under Section  
9-10 25.085 and fails to attend school:

9-11 (1) on 10 or more days or parts of days within a  
9-12 six-month period in the same school year; or

9-13 (2) on three or more days or parts of days within a  
9-14 four-week period.

9-15 (b) Truant conduct may be prosecuted only as a civil case in  
9-16 a truancy court.

9-17 (c) It is an affirmative defense to an allegation of truant  
9-18 conduct that one or more of the absences required to be proven have  
9-19 been excused by a school official or by the court or that one or more  
9-20 of the absences were involuntary, but only if there is an  
9-21 insufficient number of unexcused or voluntary absences remaining to  
9-22 constitute truant conduct. The burden is on the child to show by a  
9-23 preponderance of the evidence that the absence has been or should be  
9-24 excused or that the absence was involuntary. A decision by the  
9-25 court to excuse an absence for purposes of this subsection does not  
9-26 affect the ability of the school district to determine whether to  
9-27 excuse the absence for another purpose.

9-28 Sec. 62.04. TRUANCY COURTS; JURISDICTION. (a) The  
9-29 following are designated as truancy courts:

9-30 (1) in a county with a population of 1.75 million or  
9-31 more, the constitutional county court;

9-32 (2) justice courts; and

9-33 (3) municipal courts.

9-34 (b) A truancy court has exclusive original jurisdiction  
9-35 over cases involving allegations of truant conduct.

9-36 (c) A municipality may enter into an agreement with a  
9-37 contiguous municipality or a municipality with boundaries that are  
9-38 within one-half mile of the municipality seeking to enter into the  
9-39 agreement to establish concurrent jurisdiction of the municipal  
9-40 courts in the municipalities and provide original jurisdiction to a  
9-41 municipal court in which a truancy case is brought as if the  
9-42 municipal court were located in the municipality in which the case  
9-43 arose.

9-44 (d) A truancy court retains jurisdiction over a person,  
9-45 without regard to the age of the person, who was referred to the  
9-46 court under Section 63.01 for engaging in truant conduct before the  
9-47 person's 18th birthday, until final disposition of the case.

9-48 Sec. 62.05. COURT SESSIONS. A truancy court is considered  
9-49 to be in session at all times.

9-50 Sec. 62.06. VENUE. Venue for a proceeding under this  
9-51 subtitle is the county in which the alleged truant conduct  
9-52 occurred.

9-53 Sec. 62.07. RIGHT TO JURY TRIAL. (a) A child alleged to  
9-54 have engaged in truant conduct may demand a jury trial.

9-55 (b) The number of jurors in a case involving an allegation  
9-56 of truant conduct is six. The state and the child are each entitled  
9-57 to three peremptory challenges.

9-58 Sec. 62.08. WAIVER OF RIGHTS. A right granted to a child by  
9-59 this subtitle or by the constitution or laws of this state or the  
9-60 United States is waived in proceedings under this subtitle if:

9-61 (1) the right is one that may be waived;

9-62 (2) the child and the child's parent or guardian are  
9-63 informed of the right, understand the right, understand the  
9-64 possible consequences of waiving the right, and understand that  
9-65 waiver of the right is not required;

9-66 (3) the child signs the waiver;

9-67 (4) the child's parent or guardian signs the waiver;

9-68 and

9-69 (5) the child's attorney signs the waiver, if the child

10-1 is represented by counsel.

10-2 Sec. 62.09. EFFECT OF ADJUDICATION. (a) An adjudication  
 10-3 of a child as having engaged in truant conduct is not a conviction  
 10-4 of crime. An order of adjudication does not impose any civil  
 10-5 disability ordinarily resulting from a conviction or operate to  
 10-6 disqualify the child in any civil service application or  
 10-7 appointment.

10-8 (b) The adjudication of a child as having engaged in truant  
 10-9 conduct may not be used in any subsequent court proceedings, other  
 10-10 than an appeal under this subtitle.

10-11 Sec. 62.10. BURDEN OF PROOF. A court or jury may not return  
 10-12 a finding that a child has engaged in truant conduct unless the  
 10-13 state has proved the conduct beyond a reasonable doubt.

10-14 Sec. 62.11. APPLICABLE RULES OF EVIDENCE. The Texas Rules  
 10-15 of Evidence applicable to criminal cases apply in a proceeding  
 10-16 under this subtitle.

10-17 Sec. 62.12. APPLICABLE STATUTES REGARDING DISCOVERY.  
 10-18 Discovery in a proceeding under this subtitle is governed by  
 10-19 Chapter 39, Code of Criminal Procedure.

10-20 Sec. 62.13. PROCEDURAL RULES. The supreme court may  
 10-21 promulgate rules of procedure applicable to proceedings under this  
 10-22 subtitle.

10-23 Sec. 62.14. INTERPRETERS. (a) When on the motion for  
 10-24 appointment of an interpreter by a party or on the motion of the  
 10-25 court, in any proceeding under this subtitle, the court determines  
 10-26 that the child, the child's parent or guardian, or a witness does  
 10-27 not understand and speak English, an interpreter must be sworn to  
 10-28 interpret for the person. Articles 38.30(a), (b), and (c), Code of  
 10-29 Criminal Procedure, apply in a proceeding under this subtitle. A  
 10-30 qualified telephone interpreter may be sworn to provide  
 10-31 interpretation services if an interpreter is not available to  
 10-32 appear in person before the court.

10-33 (b) In any proceeding under this subtitle, if a party  
 10-34 notifies the court that the child, the child's parent or guardian,  
 10-35 or a witness is deaf, the court shall appoint a qualified  
 10-36 interpreter to interpret the proceedings in any language, including  
 10-37 sign language, that the deaf person can understand. Articles  
 10-38 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a  
 10-39 proceeding under this subtitle.

10-40 Sec. 62.15. SIGNATURES. Any requirement under this  
 10-41 subtitle that a document be signed or that a document contain a  
 10-42 person's signature, including the signature of a judge or a clerk of  
 10-43 the court, is satisfied if the document contains the signature of  
 10-44 the person as captured on an electronic device or as a digital  
 10-45 signature.

10-46 Sec. 62.16. PUBLIC ACCESS TO COURT HEARINGS. (a) Except as  
 10-47 provided by Subsection (b), a truancy court shall open a hearing  
 10-48 under this subtitle to the public unless the court, for good cause  
 10-49 shown, determines that the public should be excluded.

10-50 (b) The court may prohibit a person from personally  
 10-51 attending a hearing if the person is expected to testify at the  
 10-52 hearing and the court determines that the person's testimony would  
 10-53 be materially affected if the person hears other testimony at the  
 10-54 hearing.

10-55 Sec. 62.17. RECORDING OF PROCEEDINGS. (a) The proceedings  
 10-56 in a truancy court that is not a court of record may not be recorded.

10-57 (b) The proceedings in a truancy court that is a court of  
 10-58 record must be recorded by stenographic notes or by electronic,  
 10-59 mechanical, or other appropriate means.

10-60 Sec. 62.18. JUVENILE CASE MANAGERS. A truancy court may  
 10-61 employ a juvenile case manager in accordance with Article 45.056,  
 10-62 Code of Criminal Procedure, to provide services to children who  
 10-63 have been referred to the truancy court or who are in jeopardy of  
 10-64 being referred to the truancy court.

#### 10-65 CHAPTER 63. INITIAL PROCEDURES

10-66 Sec. 63.01. INITIAL REFERRAL TO TRUANCY COURT. When a  
 10-67 truancy court receives a referral under Section 25.0915 and the  
 10-68 court is not required to dismiss the referral under that section,  
 10-69 the court shall forward the referral to a truant conduct prosecutor

11-1 who serves the court.

11-2 Sec. 63.02. TRUANT CONDUCT PROSECUTOR. A truant conduct  
 11-3 prosecutor may be any attorney who represents the state in civil or  
 11-4 criminal matters in a justice or municipal court or a  
 11-5 constitutional county court that is designated as a truancy court.

11-6 Sec. 63.03. REVIEW BY PROSECUTOR. (a) The truant conduct  
 11-7 prosecutor shall promptly review the facts described in a referral  
 11-8 received under Section 63.01.

11-9 (b) The prosecutor may, in the prosecutor's discretion,  
 11-10 determine whether to file a petition with the truancy court  
 11-11 requesting an adjudication of the child for truant conduct. If the  
 11-12 prosecutor decides not to file a petition requesting an  
 11-13 adjudication, the prosecutor shall inform the truancy court and the  
 11-14 school district of the decision.

11-15 (c) The prosecutor may not request an adjudication for  
 11-16 truant conduct if the referral was not made in compliance with  
 11-17 Section 25.0915.

11-18 Sec. 63.04. STATE'S PETITION. (a) A petition for an  
 11-19 adjudication of a child for truant conduct initiates an action of  
 11-20 the state against a child who has allegedly engaged in truant  
 11-21 conduct.

11-22 (b) The proceedings shall be styled "In the matter of  
 11-23 \_\_\_\_\_, Child," identifying the child by the child's  
 11-24 initials only.

11-25 (c) The petition may be on information and belief.

11-26 (d) The petition must state:

11-27 (1) with reasonable particularity the time, place, and  
 11-28 manner of the acts alleged to constitute truant conduct;

11-29 (2) the name, age, and residence address, if known, of  
 11-30 the child who is the subject of the petition;

11-31 (3) the names and residence addresses, if known, of  
 11-32 the parent, guardian, or custodian of the child and of the child's  
 11-33 spouse, if any; and

11-34 (4) if the child's parent, guardian, or custodian does  
 11-35 not reside or cannot be found in the state, or if their places of  
 11-36 residence are unknown, the name and residence address of any known  
 11-37 adult relative residing in the county or, if there is none, the name  
 11-38 and residence address of the known adult relative residing nearest  
 11-39 to the location of the court.

11-40 (e) Filing fees may not be charged for the filing of the  
 11-41 state's petition.

11-42 Sec. 63.05. LIMITATIONS PERIOD. A petition may not be filed  
 11-43 after the 30th day after the date of the last absence giving rise to  
 11-44 the act of truant conduct.

11-45 Sec. 63.06. HEARING DATE. (a) After the petition has been  
 11-46 filed, the truancy court shall set a date and time for an  
 11-47 adjudication hearing.

11-48 (b) The hearing may not be held on or before the 10th day  
 11-49 after the date the petition is filed.

11-50 Sec. 63.07. SUMMONS. (a) After setting the date and time  
 11-51 of an adjudication hearing, the truancy court shall direct the  
 11-52 issuance of a summons to:

11-53 (1) the child named in the petition;

11-54 (2) the child's parent, guardian, or custodian;

11-55 (3) the child's guardian ad litem, if any; and

11-56 (4) any other person who appears to the court to be a  
 11-57 proper or necessary party to the proceeding.

11-58 (b) The summons must require the persons served to appear  
 11-59 before the court at the place, date, and time of the adjudication  
 11-60 hearing to answer the allegations of the petition. A copy of the  
 11-61 petition must accompany the summons. If a person, other than the  
 11-62 child, required to appear under this section fails to attend a  
 11-63 hearing, the truancy court may proceed with the hearing.

11-64 (c) The truancy court may endorse on the summons an order  
 11-65 directing the person having the physical custody or control of the  
 11-66 child to bring the child to the hearing.

11-67 (d) A party, other than the child, may waive service of  
 11-68 summons by written stipulation or by voluntary appearance at the  
 11-69 hearing.

12-1 Sec. 63.08. SERVICE OF SUMMONS. (a) If a person to be  
 12-2 served with a summons is in this state and can be found, the summons  
 12-3 shall be served on the person personally at least two days before  
 12-4 the date of the adjudication hearing. If the person cannot be  
 12-5 found, but the person's address in this state is known or can with  
 12-6 reasonable diligence be ascertained, the summons may be served by  
 12-7 mailing a copy by registered or certified mail, return receipt  
 12-8 requested, at least five days before the date of the hearing. If  
 12-9 the person is outside this state but can be found or the person's  
 12-10 address is known, or the person's whereabouts or address can with  
 12-11 reasonable diligence be ascertained, service of the summons may be  
 12-12 made by delivering a copy personally or mailing a copy by registered  
 12-13 or certified mail, return receipt requested, not later than the  
 12-14 fifth day before the date of the hearing.

12-15 (b) Service of the summons may be made by any suitable  
 12-16 person under the direction of the court.

12-17 Sec. 63.09. REPRESENTATION BY ATTORNEY. A child may be  
 12-18 represented by an attorney in a case under this subtitle.  
 12-19 Representation by an attorney is not required.

12-20 Sec. 63.10. CHILD'S ANSWER. After the petition has been  
 12-21 filed, the child may answer, orally or in writing, the petition at  
 12-22 or before the commencement of the hearing. If the child does not  
 12-23 answer, a general denial of the alleged truant conduct is assumed.

12-24 Sec. 63.11. GUARDIAN AD LITEM. (a) If a child appears  
 12-25 before the truancy court without a parent or guardian, or it appears  
 12-26 to the court that the child's parent or guardian is incapable or  
 12-27 unwilling to make decisions in the best interest of the child with  
 12-28 respect to proceedings under this subtitle, the court may appoint a  
 12-29 guardian ad litem to protect the interests of the child in the  
 12-30 proceedings.

12-31 (b) An attorney for a child may also be the child's guardian  
 12-32 ad litem. A law enforcement officer, probation officer, or other  
 12-33 employee of the truancy court may not be appointed as a guardian ad  
 12-34 litem.

12-35 (c) The court may order a child's parent or other person  
 12-36 responsible to support the child to reimburse the county or  
 12-37 municipality for the cost of the guardian ad litem. The court may  
 12-38 issue the order only after determining that the parent or other  
 12-39 responsible person has sufficient financial resources to offset the  
 12-40 cost of the child's guardian ad litem wholly or partly.

12-41 Sec. 63.12. ATTENDANCE AT HEARING. (a) The child must be  
 12-42 personally present at the adjudication hearing. The truancy court  
 12-43 may not proceed with the adjudication hearing in the absence of the  
 12-44 child.

12-45 (b) Each parent or guardian of a child and any  
 12-46 court-appointed guardian ad litem of a child is required to attend  
 12-47 the adjudication hearing.

12-48 (c) Subsection (b) does not apply to:

12-49 (1) a person for whom, for good cause shown, the court  
 12-50 excuses attendance;

12-51 (2) a person who is not a resident of this state; or

12-52 (3) a parent of a child for whom a managing conservator  
 12-53 has been appointed and the parent is not a conservator of the child.

12-54 Sec. 63.13. RIGHT TO REEMPLOYMENT. (a) An employer may  
 12-55 not terminate the employment of a permanent employee because the  
 12-56 employee is required under Section 63.12(b) to attend a hearing.

12-57 (b) Notwithstanding any other law, an employee whose  
 12-58 employment is terminated in violation of this section is entitled  
 12-59 to return to the same employment that the employee held when  
 12-60 notified of the hearing if the employee, as soon as practical after  
 12-61 the hearing, gives the employer actual notice that the employee  
 12-62 intends to return.

12-63 (c) A person who is injured because of a violation of this  
 12-64 section is entitled to:

12-65 (1) reinstatement to the person's former position;

12-66 (2) damages not to exceed an amount equal to six times  
 12-67 the amount of monthly compensation received by the person on the  
 12-68 date of the hearing; and

12-69 (3) reasonable attorney's fees in an amount approved

13-1 by the court.

13-2 (d) It is a defense to an action brought under this section  
 13-3 that the employer's circumstances changed while the employee  
 13-4 attended the hearing and caused reemployment to be impossible or  
 13-5 unreasonable. To establish a defense under this subsection, an  
 13-6 employer must prove that the termination of employment was because  
 13-7 of circumstances other than the employee's attendance at the  
 13-8 hearing.

13-9 Sec. 63.14. SUBPOENA OF WITNESS. A witness may be  
 13-10 subpoenaed in accordance with the procedures for the subpoena of a  
 13-11 witness under the Code of Criminal Procedure.

13-12 Sec. 63.15. CHILD ALLEGED TO BE MENTALLY ILL. (a) A party  
 13-13 may make a motion requesting that a petition alleging a child to  
 13-14 have engaged in truant conduct be dismissed because the child has a  
 13-15 mental illness, as defined by Section 571.003, Health and Safety  
 13-16 Code. In response to the motion, the truancy court shall  
 13-17 temporarily stay the proceedings to determine whether probable  
 13-18 cause exists to believe the child has a mental illness. In making a  
 13-19 determination, the court may:

13-20 (1) consider the motion, supporting documents,  
 13-21 professional statements of counsel, and witness testimony; and

13-22 (2) observe the child.

13-23 (b) If the court determines that probable cause exists to  
 13-24 believe that the child has a mental illness, the court shall dismiss  
 13-25 the petition. If the court determines that evidence does not exist  
 13-26 to support a finding that the child has a mental illness, the court  
 13-27 shall dissolve the stay and continue with the truancy court  
 13-28 proceedings.

13-29 CHAPTER 64. ADJUDICATION HEARING AND REMEDIES

13-30 Sec. 64.01. ADJUDICATION HEARING; JUDGMENT. (a) A child  
 13-31 may be found to have engaged in truant conduct only after an  
 13-32 adjudication hearing conducted in accordance with the provisions of  
 13-33 this subtitle.

13-34 (b) At the beginning of the adjudication hearing, the judge  
 13-35 of the truancy court shall explain to the child and the child's  
 13-36 parent, guardian, or guardian ad litem:

13-37 (1) the allegations made against the child;

13-38 (2) the nature and possible consequences of the  
 13-39 proceedings;

13-40 (3) the child's privilege against self-incrimination;

13-41 (4) the child's right to trial and to confrontation of  
 13-42 witnesses;

13-43 (5) the child's right to representation by an attorney  
 13-44 if the child is not already represented; and

13-45 (6) the child's right to a jury trial.

13-46 (c) Trial is by jury unless jury is waived in accordance  
 13-47 with Section 62.08. Jury verdicts under this subtitle must be  
 13-48 unanimous.

13-49 (d) Only material, relevant, and competent evidence in  
 13-50 accordance with the Texas Rules of Evidence applicable to criminal  
 13-51 cases and Chapter 38, Code of Criminal Procedure, may be considered  
 13-52 in the adjudication hearing.

13-53 (e) A child alleged to have engaged in truant conduct need  
 13-54 not be a witness against nor otherwise incriminate himself or  
 13-55 herself. An extrajudicial statement that was obtained without  
 13-56 fulfilling the requirements of this subtitle or of the constitution  
 13-57 of this state or the United States may not be used in an  
 13-58 adjudication hearing. A statement made by the child out of court is  
 13-59 insufficient to support a finding of truant conduct unless it is  
 13-60 corroborated wholly or partly by other evidence.

13-61 (f) At the conclusion of the adjudication hearing, the court  
 13-62 or jury shall find whether the child has engaged in truant conduct.  
 13-63 The finding must be based on competent evidence admitted at the  
 13-64 hearing. The child shall be presumed to have not engaged in truant  
 13-65 conduct and no finding that a child has engaged in truant conduct  
 13-66 may be returned unless the state has proved the conduct beyond a  
 13-67 reasonable doubt. In all jury cases the jury will be instructed  
 13-68 that the burden is on the state to prove that a child has engaged in  
 13-69 truant conduct beyond a reasonable doubt.

14-1 (g) If the court or jury finds that the child did not engage  
 14-2 in truant conduct, the court shall dismiss the case with prejudice.

14-3 (h) If the court or jury finds that the child did engage in  
 14-4 truant conduct, the court shall proceed to issue a judgment finding  
 14-5 the child has engaged in truant conduct and order the remedies the  
 14-6 court finds appropriate under Section 64.03. The jury is not  
 14-7 involved in ordering remedies for a child who has been adjudicated  
 14-8 as having engaged in truant conduct.

14-9 Sec. 64.02. REMEDIAL ACTIONS. (a) The truancy court shall  
 14-10 determine and order appropriate remedial actions in regard to a  
 14-11 child who has been found to have engaged in truant conduct.

14-12 (b) The truancy court shall orally pronounce the court's  
 14-13 remedial actions in the child's presence and enter those actions in  
 14-14 a written order.

14-15 (c) After pronouncing the court's remedial actions, the  
 14-16 court shall advise the child and the child's parent, guardian, or  
 14-17 guardian ad litem of:

14-18 (1) the child's right to appeal, as detailed in Chapter  
 14-19 65; and

14-20 (2) the procedures for the sealing of the child's  
 14-21 records under Section 66.01.

14-22 Sec. 64.03. REMEDIAL ORDER. (a) A truancy court may enter  
 14-23 a remedial order requiring a child who has been found to have  
 14-24 engaged in truant conduct to:

14-25 (1) attend school without unexcused absences;

14-26 (2) attend a preparatory class for the high school  
 14-27 equivalency examination administered under Section 7.111 if the  
 14-28 court determines that the individual is unlikely to do well in a  
 14-29 formal classroom environment due to the individual's age;

14-30 (3) if the child is at least 16 years of age, take the  
 14-31 high school equivalency examination administered under Section  
 14-32 7.111;

14-33 (4) attend a special program that the court determines  
 14-34 to be in the best interest of the child, including:

14-35 (A) an alcohol and drug abuse program;

14-36 (B) a rehabilitation program;

14-37 (C) a counseling program, including a  
 14-38 self-improvement program;

14-39 (D) a program that provides training in  
 14-40 self-esteem and leadership;

14-41 (E) a work and job skills training program;

14-42 (F) a program that provides training in  
 14-43 parenting, including parental responsibility;

14-44 (G) a program that provides training in manners;

14-45 (H) a program that provides training in violence  
 14-46 avoidance;

14-47 (I) a program that provides sensitivity  
 14-48 training; and

14-49 (J) a program that provides training in advocacy  
 14-50 and mentoring;

14-51 (5) complete not more than 50 hours of community  
 14-52 service on a project acceptable to the court; and

14-53 (6) participate for a specified number of hours in a  
 14-54 tutorial program covering the academic subjects in which the child  
 14-55 is enrolled that are provided by the school the child attends.

14-56 (b) A truancy court may not order a child who has been found  
 14-57 to have engaged in truant conduct to attend a juvenile justice  
 14-58 alternative education program.

14-59 (c) In addition to any other order authorized by this  
 14-60 section, a truancy court may order the Department of Public Safety  
 14-61 to suspend the driver's license or permit of a child who has been  
 14-62 found to have engaged in truant conduct. If the child does not have  
 14-63 a driver's license or permit, the court may order the Department of  
 14-64 Public Safety to deny the issuance of a license or permit to the  
 14-65 child. The period of the license or permit suspension or the order  
 14-66 that the issuance of a license or permit be denied may not extend  
 14-67 beyond the maximum time period that a remedial order is effective as  
 14-68 provided by Section 64.04.

14-69 Sec. 64.04. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A

15-1 truancy court's remedial order under Section 64.03 is effective  
 15-2 until the later of:

15-3 (1) the date specified by the court in the order, which  
 15-4 may not be later than the 180th day after the date the order is  
 15-5 entered; or

15-6 (2) the last day of the school year in which the order  
 15-7 was entered.

15-8 Sec. 64.05. ORDERS AFFECTING PARENTS AND OTHERS. (a) If a  
 15-9 child has been found to have engaged in truant conduct, the truancy  
 15-10 court may:

15-11 (1) order the child and the child's parent to attend a  
 15-12 class for students at risk of dropping out of school that is  
 15-13 designed for both the child and the child's parent;

15-14 (2) order any person found by the court to have, by a  
 15-15 wilful act or omission, contributed to, caused, or encouraged the  
 15-16 child's truant conduct to do any act that the court determines to be  
 15-17 reasonable and necessary for the welfare of the child or to refrain  
 15-18 from doing any act that the court determines to be injurious to the  
 15-19 child's welfare;

15-20 (3) enjoin all contact between the child and a person  
 15-21 who is found to be a contributing cause of the child's truant  
 15-22 conduct;

15-23 (4) after notice to, and a hearing with, all persons  
 15-24 affected, order any person living in the same household with the  
 15-25 child to participate in social or psychological counseling to  
 15-26 assist in the child's rehabilitation;

15-27 (5) order the child's parent or other person  
 15-28 responsible for the child's support to pay all or part of the  
 15-29 reasonable costs of treatment programs in which the child is  
 15-30 ordered to participate if the court finds the child's parent or  
 15-31 person responsible for the child's support is able to pay the costs;

15-32 (6) order the child's parent to attend a program for  
 15-33 parents of students with unexcused absences that provides  
 15-34 instruction designed to assist those parents in identifying  
 15-35 problems that contribute to the child's unexcused absences and in  
 15-36 developing strategies for resolving those problems; and

15-37 (7) order the child's parent to perform not more than  
 15-38 50 hours of community service with the child.

15-39 (b) A person subject to an order proposed under Subsection  
 15-40 (a) is entitled to a hearing before the order is entered by the  
 15-41 court.

15-42 (c) On a finding by the court that a child's parents have  
 15-43 made a reasonable good faith effort to prevent the child from  
 15-44 engaging in truant conduct and that, despite the parents' efforts,  
 15-45 the child continues to engage in truant conduct, the court shall  
 15-46 waive any requirement for community service that may be imposed on a  
 15-47 parent under this section.

15-48 Sec. 64.06. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY  
 15-49 SERVICE. (a) A municipality or county that establishes a program  
 15-50 to assist children and their parents in rendering community service  
 15-51 under this chapter may purchase an insurance policy protecting the  
 15-52 municipality or county against a claim brought by a person other  
 15-53 than the child or the child's parent for a cause of action that  
 15-54 arises from an act of the child or parent while rendering the  
 15-55 community service. The municipality or county is not liable for the  
 15-56 claim to the extent that damages are recoverable under a contract of  
 15-57 insurance or under a plan of self-insurance authorized by statute.

15-58 (b) The liability of the municipality or county for a claim  
 15-59 that arises from an action of the child or the child's parent while  
 15-60 rendering community service may not exceed \$100,000 to a single  
 15-61 person and \$300,000 for a single occurrence in the case of personal  
 15-62 injury or death, and \$10,000 for a single occurrence of property  
 15-63 damage. Liability may not extend to punitive or exemplary damages.

15-64 (c) This section does not waive a defense, immunity, or  
 15-65 jurisdictional bar available to the municipality or county or its  
 15-66 officers or employees, nor shall this section be construed to  
 15-67 waive, repeal, or modify any provision of Chapter 101, Civil  
 15-68 Practice and Remedies Code.

15-69 Sec. 64.07. COURT COST. (a) If a child is found to have

16-1 engaged in truant conduct, the truancy court, after giving the  
 16-2 child, parent, or other person responsible for the child's support  
 16-3 a reasonable opportunity to be heard, shall order the child,  
 16-4 parent, or other person, if financially able to do so, to pay a  
 16-5 court cost of \$50 to the clerk of the court.

16-6 (b) The court's order to pay the \$50 court cost is not  
 16-7 effective unless the order is reduced to writing and signed by the  
 16-8 judge. The written order to pay the court cost may be part of the  
 16-9 court's order detailing the remedial actions in the case.

16-10 (c) The clerk of the court shall keep a record of the court  
 16-11 costs collected under this section and shall forward the funds to  
 16-12 the county treasurer, municipal treasurer, or person fulfilling the  
 16-13 role of a county treasurer or municipal treasurer, as appropriate.

16-14 (d) The court costs collected under this section shall be  
 16-15 deposited in a special account that can be used only to offset the  
 16-16 cost of the operations of the truancy court.

16-17 Sec. 64.08. HEARING TO MODIFY REMEDY. (a) A truancy court  
 16-18 may hold a hearing to modify any remedy imposed by the court. A  
 16-19 remedy may only be modified during the period the order is effective  
 16-20 under Section 64.04.

16-21 (b) There is no right to a jury at a hearing under this  
 16-22 section.

16-23 (c) A hearing to modify a remedy imposed by the court shall  
 16-24 be held on the petition of the child and the child's parent,  
 16-25 guardian, guardian ad litem, or attorney, the state, or the court.  
 16-26 Reasonable notice of a hearing to modify disposition shall be given  
 16-27 to all parties.

16-28 (d) Notwithstanding any other law, in considering a motion  
 16-29 to modify a remedy imposed by the court, the truancy court may  
 16-30 consider a written report from a school district official or  
 16-31 employee, juvenile case manager, or professional consultant in  
 16-32 addition to the testimony of witnesses. The court shall provide the  
 16-33 attorney for the child and the prosecuting attorney with access to  
 16-34 all written matters to be considered by the court. The court may  
 16-35 order counsel not to reveal items to the child or to the child's  
 16-36 parent, guardian, or guardian ad litem if the disclosure would  
 16-37 materially harm the treatment and rehabilitation of the child or  
 16-38 would substantially decrease the likelihood of receiving  
 16-39 information from the same or similar sources in the future.

16-40 (e) The truancy court shall pronounce, in the presence of  
 16-41 the child, the court's changes to the remedy, if any. The court  
 16-42 shall specifically state the new remedy and the court's reasons for  
 16-43 modifying the remedy in a written order. The court shall furnish a  
 16-44 copy of the order to the child.

16-45 Sec. 64.09. MOTION FOR NEW TRIAL. The order of a truancy  
 16-46 court may be challenged by filing a motion for new trial. Rules  
 16-47 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion  
 16-48 for new trial.

#### 16-49 CHAPTER 65. APPEAL

16-50 Sec. 65.01. RIGHT TO APPEAL. (a) The child or the state  
 16-51 may appeal any order of a truancy court.

16-52 (b) An appeal from a truancy court that is a court of record  
 16-53 shall be to a court of appeals. The case may be carried to the  
 16-54 supreme court by writ of error as in civil cases generally. On  
 16-55 appeal, the judgment of the truancy court is suspended.

16-56 (c) An appeal from a truancy court that is not a court of  
 16-57 record shall be to a juvenile court. The case must be tried de novo  
 16-58 in the juvenile court. This subtitle applies to the de novo trial  
 16-59 in the juvenile court. On appeal, the judgment of the truancy court  
 16-60 is vacated.

16-61 (d) A judgment of a juvenile court in a trial conducted  
 16-62 under Subsection (c) may be appealed in the same manner as an appeal  
 16-63 from a truancy court that is a court of record.

16-64 Sec. 65.02. GOVERNING LAW. (a) The appeal of an order of a  
 16-65 truancy court that is a court of record is governed by the Texas  
 16-66 Rules of Appellate Procedure.

16-67 (b) Rule 506, Texas Rules of Civil Procedure, applies to the  
 16-68 appeal of an order of a truancy court that is not a court of record  
 16-69 to a juvenile court in the same manner as the rule applies to an



17-1 appeal of a judgment of a justice court to a county court.  
17-2 Sec. 65.03. COUNSEL ON APPEAL. (a) A child may be  
17-3 represented by counsel on appeal.

17-4 (b) If the child and the child's parent, guardian, or  
17-5 guardian ad litem request an appeal, the attorney who represented  
17-6 the child before the truancy court shall file a notice of appeal  
17-7 with the court that will hear the appeal and inform that court  
17-8 whether that attorney will handle the appeal.

17-9 (c) An appeal serves to suspend the order of the truancy  
17-10 court, regardless of whether the truancy court is a court of record.

17-11 (d) The appellate court may affirm, reverse, or modify the  
17-12 order of the truancy court.

17-13 Sec. 65.04. STYLE OF CASE ON APPEAL. The child or the  
17-14 child's family may not be identified in an appellate opinion  
17-15 rendered in an appeal. The appellate opinion shall be styled, "In  
17-16 the matter of \_\_\_\_\_, Child," identifying the child by the  
17-17 child's initials only.

17-18 Sec. 65.05. TRANSCRIPT ON APPEAL FROM COURT OF RECORD.

17-19 (a) This section applies to an appeal from a truancy court that is  
17-20 a court of record.

17-21 (b) An attorney retained to represent a child on appeal may  
17-22 request a transcription of notes of the reporter be included in the  
17-23 record on appeal. The attorney must obtain and pay for the  
17-24 transcription and furnish the transcription to the clerk in  
17-25 duplicate in time for inclusion in the record.

17-26 (c) In an appeal under this section, the truancy court shall  
17-27 order the reporter to furnish a transcription without charge to the  
17-28 attorney if the court finds, after hearing or on an affidavit filed  
17-29 by the child's parent or other person responsible for support of the  
17-30 child, that the parent or other responsible person is unable to pay  
17-31 or to give security for the transcription.

17-32 (d) If a transcription has been provided without charge  
17-33 under Subsection (c), payment is made from the general funds of the  
17-34 county in which the truancy proceedings were held.

17-35 (e) The court reporter shall report any portion of the  
17-36 proceedings requested by either party or directed by the court and  
17-37 shall report the proceedings in question and answer form unless a  
17-38 narrative transcript is requested.

17-39 CHAPTER 66. RECORDS

17-40 Sec. 66.01. SEALING OF RECORDS. (a) A child who has been  
17-41 found to have engaged in truant conduct may apply, on or after the  
17-42 child's 18th birthday, to the truancy court that made the finding to  
17-43 seal the records relating to the allegation and finding of truant  
17-44 conduct held by:

- 17-45 (1) the court;
- 17-46 (2) the truant conduct prosecutor; and
- 17-47 (3) the school district.

17-48 (b) The application must include the following information  
17-49 or an explanation of why one or more of the following is not  
17-50 included:

- 17-51 (1) the child's:
  - 17-52 (A) full name;
  - 17-53 (B) sex;
  - 17-54 (C) race or ethnicity;
  - 17-55 (D) date of birth;
  - 17-56 (E) driver's license or identification card
- 17-57 number; and
  - 17-58 (F) social security number;
- 17-59 (2) the dates on which the truant conduct was alleged

17-60 to have occurred; and

- 17-61 (3) if known, the cause number assigned to the
- 17-62 petition and the court and county in which the petition was filed.

17-63 (c) The truancy court shall order that the records be sealed  
17-64 after determining the child complied with the remedies ordered by  
17-65 the court in the case.

17-66 (d) The truancy court shall hold a hearing before sealing a  
17-67 child's records under Subsection (c) unless the child waives the  
17-68 right to a hearing in writing and the court and the truant conduct  
17-69 prosecutor consent to the waiver. Reasonable notice of the hearing

18-1 must be given to:

18-2 (1) the child who made the application; and

18-3 (2) the truant conduct prosecutor.

18-4 (e) All index references to the records of the truancy court  
18-5 that are ordered sealed shall be deleted not later than the 30th day  
18-6 after the date of the sealing order.

18-7 (f) A truancy court, clerk of the court, truant conduct  
18-8 prosecutor, or school district shall reply to a request for  
18-9 information concerning a child's sealed truant conduct case that no  
18-10 record exists with respect to the child.

18-11 (g) Inspection of the sealed records may be permitted by an  
18-12 order of the truancy court on the petition of the person who is the  
18-13 subject of the records and only by those persons named in the order.

18-14 (h) A person whose records have been sealed under this  
18-15 section is not required in any proceeding or in any application for  
18-16 employment, information, or licensing to state that the person has  
18-17 been the subject of a proceeding under this subtitle. Any statement  
18-18 that the person has never been found to have engaged in truant  
18-19 conduct may not be held against the person in any criminal or civil  
18-20 proceeding.

18-21 (i) On or after the fifth anniversary of a child's 16th  
18-22 birthday, on the motion of the child or on the truancy court's own  
18-23 motion, the truancy court may order the destruction of the child's  
18-24 records that have been sealed under this section if the child has  
18-25 not been convicted of a felony.

18-26 Sec. 66.02. CONFIDENTIALITY OF RECORDS. Records and files  
18-27 created under this subtitle may be disclosed only to:

18-28 (1) the judge of the truancy court, the truant conduct  
18-29 prosecutor, and the staff of the judge and prosecutor;

18-30 (2) an attorney for the child;

18-31 (3) a governmental agency if the disclosure is  
18-32 required or authorized by law;

18-33 (4) a person or entity to whom the child is referred  
18-34 for treatment or services if the agency or institution disclosing  
18-35 the information has entered into a written confidentiality  
18-36 agreement with the person or entity regarding the protection of the  
18-37 disclosed information;

18-38 (5) the Texas Department of Criminal Justice and the  
18-39 Texas Juvenile Justice Department for the purpose of maintaining  
18-40 statistical records of recidivism and for diagnosis and  
18-41 classification; or

18-42 (6) with leave of the truancy court, any other person,  
18-43 agency, or institution having a legitimate interest in the  
18-44 proceeding or in the work of the court.

18-45 Sec. 66.03. DESTRUCTION OF CERTAIN RECORDS. A truancy  
18-46 court shall order the destruction of the records relating to  
18-47 allegations of truant conduct if a prosecutor decides not to file a  
18-48 petition for an adjudication of truant conduct after a review of the  
18-49 referral under Section 63.03.

18-50 CHAPTER 67. ENFORCEMENT OF ORDERS

18-51 Sec. 67.01. CHILDREN IN CONTEMPT OF COURT. (a) If a child  
18-52 fails to obey an order issued by a truancy court under Section  
18-53 64.03(a), the truancy court, after providing notice and an  
18-54 opportunity for a hearing, may find the child in contempt of court.

18-55 (b) If a truancy court finds a child in contempt of court  
18-56 under Subsection (a) or a child is in direct contempt of court, the  
18-57 court may:

18-58 (1) refer the child to the juvenile court in the county  
18-59 for delinquent conduct under Section 51.03(a)(2), Family Code,  
18-60 unless the child committed the contempt while 17 years of age or  
18-61 older; or

18-62 (2) hold the child in contempt of court and order  
18-63 either or both of the following:

18-64 (A) that the child pay a fine not to exceed \$100;  
18-65 or

18-66 (B) that the Department of Public Safety suspend  
18-67 the child's driver's license or permit or, if the child does not  
18-68 have a license or permit, order that the Department of Public Safety  
18-69 deny the issuance of a license or permit to the child until the

19-1 child fully complies with the court's orders.

19-2 (c) A truancy court may not order the confinement of a child  
 19-3 for the child's failure to obey an order of the court issued under  
 19-4 Section 64.03(a).

19-5 (d) A truancy court that orders the suspension or denial of  
 19-6 a driver's license or permit under Subsection (b)(2)(B) shall  
 19-7 notify the Department of Public Safety on receiving proof of  
 19-8 compliance with the orders of the court and order the department to  
 19-9 revoke the suspension or denial of the license.

19-10 Sec. 67.02. PARENT OR OTHER PERSON IN CONTEMPT OF COURT.

19-11 (a) A truancy court may enforce the following orders by contempt:

19-12 (1) an order that a parent of a child, guardian of a  
 19-13 child, or any court-appointed guardian ad litem of a child attend an  
 19-14 adjudication hearing under Section 63.12(b);

19-15 (2) an order requiring a person other than a child to  
 19-16 take a particular action under Section 64.05(a);

19-17 (3) an order that a child's parent, or other person  
 19-18 responsible to support the child, reimburse the municipality or  
 19-19 county for the cost of the guardian ad litem appointed for the child  
 19-20 under Section 63.11(c); and

19-21 (4) an order that a parent, or person other than the  
 19-22 child, pay the \$50 court cost under Section 64.07.

19-23 (b) A truancy court may find a parent or person other than  
 19-24 the child in direct contempt of the court.

19-25 (c) The penalty for a finding of contempt under Subsection  
 19-26 (a) or (b) is a fine in an amount not to exceed \$100.

19-27 (d) In addition to the assessment of a fine under Subsection  
 19-28 (c), direct contempt of the truancy court by a parent or person  
 19-29 other than the child is punishable by:

19-30 (1) confinement in jail for a maximum of three days;

19-31 (2) a maximum of 40 hours of community service; or

19-32 (3) both confinement and community service.

19-33 Sec. 67.03. WRIT OF ATTACHMENT. A truancy court may issue a  
 19-34 writ of attachment for a person who violates an order entered under  
 19-35 Section 63.07(c). The writ of attachment is executed in the same  
 19-36 manner as in a criminal proceeding as provided by Chapter 24, Code  
 19-37 of Criminal Procedure.

19-38 Sec. 67.04. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT OR  
 19-39 OTHER ELIGIBLE PERSON. (a) The truancy court shall:

19-40 (1) provide notice to a person who is the subject of a  
 19-41 proposed truancy court order under Section 67.02; and

19-42 (2) provide a sufficient opportunity for the person to  
 19-43 be heard regarding the proposed order.

19-44 (b) A truancy court order under Section 67.02 must be in  
 19-45 writing and a copy promptly furnished to the parent or other  
 19-46 eligible person.

19-47 (c) The truancy court may require the parent or other  
 19-48 eligible person to provide suitable identification to be included  
 19-49 in the court's file. Suitable identification includes  
 19-50 fingerprints, a driver's license number, a social security number,  
 19-51 or similar indicia of identity.

19-52 Sec. 67.05. APPEAL. (a) The parent or other eligible  
 19-53 person against whom a final truancy court order has been entered  
 19-54 under Section 67.02 may appeal as provided by law from judgments  
 19-55 entered in civil cases.

19-56 (b) The pendency of an appeal initiated under this section  
 19-57 does not abate or otherwise affect the proceedings in the truancy  
 19-58 court involving the child.

19-59 Sec. 67.06. MOTION FOR ENFORCEMENT. (a) The state may  
 19-60 initiate enforcement of a truancy court order under Section 67.02  
 19-61 against a parent or person other than the child by filing a written  
 19-62 motion. In ordinary and concise language, the motion must:

19-63 (1) identify the provision of the order allegedly  
 19-64 violated and sought to be enforced;

19-65 (2) state specifically and factually the manner of the  
 19-66 person's alleged noncompliance;

19-67 (3) state the relief requested; and

19-68 (4) contain the signature of the party filing the  
 19-69 motion.

20-1 (b) The state must allege the particular violation by the  
 20-2 person of the truancy court order that the state had a reasonable  
 20-3 basis for believing the person was violating when the motion was  
 20-4 filed.

20-5 Sec. 67.07. NOTICE AND APPEARANCE. (a) On the filing of a  
 20-6 motion for enforcement, the truancy court shall by written notice  
 20-7 set the date, time, and place of the hearing and order the person  
 20-8 against whom enforcement is sought to appear and respond to the  
 20-9 motion.

20-10 (b) The notice must be given by personal service or by  
 20-11 certified mail, return receipt requested, on or before the 10th day  
 20-12 before the date of the hearing on the motion. The notice must  
 20-13 include a copy of the motion for enforcement. Personal service must  
 20-14 comply with the Code of Criminal Procedure.

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

20-22 (d) If a person who has been personally served with notice  
 20-23 to appear at the hearing does not appear, the truancy court may not  
 20-24 hold the person in contempt, but may issue a warrant for the arrest  
 20-25 of the person.

20-26 Sec. 67.08. CONDUCT OF ENFORCEMENT HEARING. (a) The  
 20-27 movant must prove beyond a reasonable doubt that the person against  
 20-28 whom enforcement is sought engaged in conduct constituting contempt  
 20-29 of a reasonable and lawful court order as alleged in the motion for  
 20-30 enforcement.

20-31 (b) The person against whom enforcement is sought has a  
 20-32 privilege not to be called as a witness or otherwise to incriminate  
 20-33 himself or herself.

20-34 (c) The truancy court shall conduct the enforcement hearing  
 20-35 without a jury.

20-36 (d) The truancy court shall include in the court's judgment:  
 20-37 (1) findings for each violation alleged in the motion  
 20-38 for enforcement; and

20-39 (2) the punishment, if any, to be imposed.

20-40 (e) If the person against whom enforcement is sought was not  
 20-41 represented by counsel during any previous court proceeding  
 20-42 involving a motion for enforcement, the person may, through  
 20-43 counsel, raise any defense or affirmative defense to the proceeding  
 20-44 that could have been asserted in the previous court proceeding that  
 20-45 was not asserted because the person was not represented by counsel.

20-46 (f) It is an affirmative defense to enforcement of a truancy  
 20-47 court order under Section 67.02 that the court did not provide the  
 20-48 parent or other eligible person with due process of law in the  
 20-49 proceeding in which the court entered the order.

20-50 SECTION 18. Section 51.02(15), Family Code, is amended to  
 20-51 read as follows:

20-52 (15) "Status offender" means a child who is accused,  
 20-53 adjudicated, or convicted for conduct that would not, under state  
 20-54 law, be a crime if committed by an adult, including:

20-55 (A) ~~truancy under Section 51.03(b)(2),~~

20-56 ~~[(B)]~~ running away from home under Section  
 20-57 51.03(b)(2) ~~[51.03(b)(3)]~~;

20-58 (B) ~~[(C)]~~ a fineable only offense under Section  
 20-59 51.03(b)(1) transferred to the juvenile court under Section  
 20-60 51.08(b), but only if the conduct constituting the offense would  
 20-61 not have been criminal if engaged in by an adult;

20-62 ~~[(D)] failure to attend school under Section~~  
 20-63 ~~25.094, Education Code,~~

20-64 (C) ~~[(E)]~~ a violation of standards of student  
 20-65 conduct as described by Section 51.03(b)(4) ~~[51.03(b)(5)]~~;

20-66 (D) ~~[(F)]~~ a violation of a juvenile curfew  
 20-67 ordinance or order;

20-68 (E) ~~[(G)]~~ a violation of a provision of the  
 20-69 Alcoholic Beverage Code applicable to minors only; or

21-1 (F) [~~(H)~~] a violation of any other fineable only  
 21-2 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the  
 21-3 conduct constituting the offense would not have been criminal if  
 21-4 engaged in by an adult.

21-5 SECTION 19. Sections 51.03(a), (b), (e), and (f), Family  
 21-6 Code, are amended to read as follows:

21-7 (a) Delinquent conduct is:

21-8 (1) conduct, other than a traffic offense, that  
 21-9 violates a penal law of this state or of the United States  
 21-10 punishable by imprisonment or by confinement in jail;

21-11 (2) conduct that violates a lawful order of a court  
 21-12 under circumstances that would constitute contempt of that court  
 21-13 in:

21-14 (A) a justice or municipal court; [~~or~~]

21-15 (B) a county court for conduct punishable only by  
 21-16 a fine; or

21-17 (C) a truancy court;

21-18 (3) conduct that violates Section 49.04, 49.05, 49.06,  
 21-19 49.07, or 49.08, Penal Code; or

21-20 (4) conduct that violates Section 106.041, Alcoholic  
 21-21 Beverage Code, relating to driving under the influence of alcohol  
 21-22 by a minor (third or subsequent offense).

21-23 (b) Conduct indicating a need for supervision is:

21-24 (1) subject to Subsection (f), conduct, other than a  
 21-25 traffic offense, that violates:

21-26 (A) the penal laws of this state of the grade of  
 21-27 misdemeanor that are punishable by fine only; or

21-28 (B) the penal ordinances of any political  
 21-29 subdivision of this state;

21-30 (2) [~~the absence of a child on 10 or more days or parts~~  
 21-31 ~~of days within a six-month period in the same school year or on~~  
 21-32 ~~three or more days or parts of days within a four-week period from~~  
 21-33 ~~school;~~

21-34 [~~(3)~~] the voluntary absence of a child from the child's  
 21-35 home without the consent of the child's parent or guardian for a  
 21-36 substantial length of time or without intent to return;

21-37 (3) [~~(4)~~] conduct prohibited by city ordinance or by  
 21-38 state law involving the inhalation of the fumes or vapors of paint  
 21-39 and other protective coatings or glue and other adhesives and the  
 21-40 volatile chemicals itemized in Section 485.001, Health and Safety  
 21-41 Code;

21-42 (4) [~~(5)~~] an act that violates a school district's  
 21-43 previously communicated written standards of student conduct for  
 21-44 which the child has been expelled under Section 37.007(c),  
 21-45 Education Code;

21-46 (5) [~~(6)~~] conduct that violates a reasonable and  
 21-47 lawful order of a court entered under Section 264.305;

21-48 (6) [~~(7)~~] notwithstanding Subsection (a)(1), conduct  
 21-49 described by Section 43.02(a)(1) or (2), Penal Code; or

21-50 (7) [~~(8)~~] notwithstanding Subsection (a)(1), conduct  
 21-51 that violates Section 43.261, Penal Code.

21-52 (e) For the purposes of Subsection (b)(2) [~~(b)(3)~~], "child"  
 21-53 does not include a person who is married, divorced, or widowed.

21-54 (f) Conduct [~~Except as provided by Subsection (g), conduct~~]  
 21-55 described under Subsection (b)(1) does not constitute conduct  
 21-56 indicating a need for supervision unless the child has been  
 21-57 referred to the juvenile court under Section 51.08(b).

21-58 SECTION 20. Section 51.13(e), Family Code, is amended to  
 21-59 read as follows:

21-60 (e) A finding that a child engaged in conduct indicating a  
 21-61 need for supervision as described by Section 51.03(b)(7)  
 21-62 [~~51.03(b)(8)~~] is a conviction only for the purposes of Sections  
 21-63 43.261(c) and (d), Penal Code.

21-64 SECTION 21. Section 54.0404(a), Family Code, is amended to  
 21-65 read as follows:

21-66 (a) If a child is found to have engaged in conduct  
 21-67 indicating a need for supervision described by Section 51.03(b)(7)  
 21-68 [~~51.03(b)(8)~~], the juvenile court may enter an order requiring the  
 21-69 child to attend and successfully complete an educational program

22-1 described by Section 37.218, Education Code, or another equivalent  
22-2 educational program.

22-3 SECTION 22. Section 54.05(b), Family Code, is amended to  
22-4 read as follows:

22-5 (b) Except for a commitment to the Texas Juvenile Justice  
22-6 Department or to a post-adjudication secure correctional facility  
22-7 under Section 54.04011[~~a disposition under Section 54.0402,~~] or a  
22-8 placement on determinate sentence probation under Section  
22-9 54.04(q), all dispositions automatically terminate when the child  
22-10 reaches the child's 18th birthday.

22-11 SECTION 23. Section 58.0022, Family Code, is amended to  
22-12 read as follows:

22-13 Sec. 58.0022. FINGERPRINTS OR PHOTOGRAPHS TO IDENTIFY  
22-14 RUNAWAYS. A law enforcement officer who takes a child into custody  
22-15 with probable cause to believe that the child has engaged in conduct  
22-16 indicating a need for supervision as described by Section  
22-17 51.03(b)(2) [~~51.03(b)(3)~~] and who after reasonable effort is unable  
22-18 to determine the identity of the child, may fingerprint or  
22-19 photograph the child to establish the child's identity. On  
22-20 determination of the child's identity or that the child cannot be  
22-21 identified by the fingerprints or photographs, the law enforcement  
22-22 officer shall immediately destroy all copies of the fingerprint  
22-23 records or photographs of the child.

22-24 SECTION 24. Section 58.003(c-3), Family Code, is amended to  
22-25 read as follows:

22-26 (c-3) Notwithstanding Subsections (a) and (c) and subject  
22-27 to Subsection (b), a juvenile court, on the court's own motion and  
22-28 without a hearing, shall order the sealing of records concerning a  
22-29 child found to have engaged in conduct indicating a need for  
22-30 supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~] or  
22-31 taken into custody to determine whether the child engaged in  
22-32 conduct indicating a need for supervision described by Section  
22-33 51.03(b)(6) [~~51.03(b)(7)~~]. This subsection applies only to records  
22-34 related to conduct indicating a need for supervision described by  
22-35 Section 51.03(b)(6) [~~51.03(b)(7)~~].

22-36 SECTION 25. Section 58.106(a), Family Code, is amended to  
22-37 read as follows:

22-38 (a) Except as otherwise provided by this section,  
22-39 information contained in the juvenile justice information system is  
22-40 confidential information for the use of the department and may not  
22-41 be disseminated by the department except:

22-42 (1) with the permission of the juvenile offender, to  
22-43 military personnel of this state or the United States;

22-44 (2) to a person or entity to which the department may  
22-45 grant access to adult criminal history records as provided by  
22-46 Section 411.083, Government Code;

22-47 (3) to a juvenile justice agency;

22-48 (4) to the Texas Juvenile Justice Department [~~Youth  
22-49 Commission and the Texas Juvenile Probation Commission~~] for  
22-50 analytical purposes;

22-51 (5) to the office of independent ombudsman of the  
22-52 Texas Juvenile Justice Department [~~Youth Commission~~]; and

22-53 (6) to a county, justice, or municipal court  
22-54 exercising jurisdiction over a juvenile[~~, including a court  
22-55 exercising jurisdiction over a juvenile under Section 54.021~~].

22-56 SECTION 26. Section 59.003(a), Family Code, is amended to  
22-57 read as follows:

22-58 (a) Subject to Subsection (e), after a child's first  
22-59 commission of delinquent conduct or conduct indicating a need for  
22-60 supervision, the probation department or prosecuting attorney may,  
22-61 or the juvenile court may, in a disposition hearing under Section  
22-62 54.04 or a modification hearing under Section 54.05, assign a child  
22-63 one of the following sanction levels according to the child's  
22-64 conduct:

22-65 (1) for conduct indicating a need for supervision,  
22-66 other than conduct described in Section 51.03(b)(3) or (4)  
22-67 [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction  
22-68 level is one;

22-69 (2) for conduct indicating a need for supervision

23-1 under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A  
23-2 or B misdemeanor, other than a misdemeanor involving the use or  
23-3 possession of a firearm, or for delinquent conduct under Section  
23-4 51.03(a)(2), the sanction level is two;

23-5 (3) for a misdemeanor involving the use or possession  
23-6 of a firearm or for a state jail felony or a felony of the third  
23-7 degree, the sanction level is three;

23-8 (4) for a felony of the second degree, the sanction  
23-9 level is four;

23-10 (5) for a felony of the first degree, other than a  
23-11 felony involving the use of a deadly weapon or causing serious  
23-12 bodily injury, the sanction level is five;

23-13 (6) for a felony of the first degree involving the use  
23-14 of a deadly weapon or causing serious bodily injury, for an  
23-15 aggravated controlled substance felony, or for a capital felony,  
23-16 the sanction level is six; or

23-17 (7) for a felony of the first degree involving the use  
23-18 of a deadly weapon or causing serious bodily injury, for an  
23-19 aggravated controlled substance felony, or for a capital felony, if  
23-20 the petition has been approved by a grand jury under Section 53.045,  
23-21 or if a petition to transfer the child to criminal court has been  
23-22 filed under Section 54.02, the sanction level is seven.

23-23 SECTION 27. Section 61.002(a), Family Code, is amended to  
23-24 read as follows:

23-25 (a) Except as provided by Subsection (b), this chapter  
23-26 applies to a proceeding to enter a juvenile court order:

23-27 (1) for payment of probation fees under Section  
23-28 54.061;

23-29 (2) for restitution under Sections 54.041(b) and  
23-30 54.048;

23-31 (3) for payment of graffiti eradication fees under  
23-32 Section 54.0461;

23-33 (4) for community service under Section 54.044(b);

23-34 (5) for payment of costs of court under Section  
23-35 54.0411 or other provisions of law;

23-36 (6) requiring the person to refrain from doing any act  
23-37 injurious to the welfare of the child under Section 54.041(a)(1);

23-38 (7) enjoining contact between the person and the child  
23-39 who is the subject of a proceeding under Section 54.041(a)(2);

23-40 (8) ordering a person living in the same household  
23-41 with the child to participate in counseling under Section  
23-42 54.041(a)(3);

23-43 (9) [~~requiring a parent or guardian of a child found to  
23-44 be truant to participate in an available program addressing truancy  
23-45 under Section 54.041(f);~~

23-46 [~~(10)~~] requiring a parent or other eligible person to  
23-47 pay reasonable attorney's fees for representing the child under  
23-48 Section 51.10(e);

23-49 (10) [~~(11)~~] requiring the parent or other eligible  
23-50 person to reimburse the county for payments the county has made to  
23-51 an attorney appointed to represent the child under Section  
23-52 51.10(j);

23-53 (11) [~~(12)~~] requiring payment of deferred prosecution  
23-54 supervision fees under Section 53.03(d);

23-55 (12) [~~(13)~~] requiring a parent or other eligible  
23-56 person to attend a court hearing under Section 51.115;

23-57 (13) [~~(14)~~] requiring a parent or other eligible  
23-58 person to act or refrain from acting to aid the child in complying  
23-59 with conditions of release from detention under Section 54.01(r);

23-60 (14) [~~(15)~~] requiring a parent or other eligible  
23-61 person to act or refrain from acting under any law imposing an  
23-62 obligation of action or omission on a parent or other eligible  
23-63 person because of the parent's or person's relation to the child who  
23-64 is the subject of a proceeding under this title;

23-65 (15) [~~(16)~~] for payment of fees under Section 54.0462;

23-66 or  
23-67 (16) [~~(17)~~] for payment of the cost of attending an  
23-68 educational program under Section 54.0404.

23-69 SECTION 28. Section 26.045(d), Government Code, is amended

24-1 to read as follows:

24-2 (d) A county court in a county with a population of 1.75  
24-3 million or more has original jurisdiction over cases alleging a  
24-4 violation of Section 25.093 [~~or 25.094~~], Education Code, or  
24-5 alleging truant conduct under Section 62.03(a), Education Code.

24-6 SECTION 29. Section 29.003(i), Government Code, is amended  
24-7 to read as follows:

24-8 (i) A municipality may enter into an agreement with a  
24-9 contiguous municipality or a municipality with boundaries that are  
24-10 within one-half mile of the municipality seeking to enter into the  
24-11 agreement to establish concurrent jurisdiction of the municipal  
24-12 courts in the municipalities and provide original jurisdiction to a  
24-13 municipal court in which a case is brought as if the municipal court  
24-14 were located in the municipality in which the case arose, for:

24-15 (1) all cases in which either municipality has  
24-16 jurisdiction under Subsection (a); and

24-17 (2) cases that arise under Section 821.022, Health and  
24-18 Safety Code, or Section 62.03(a) [~~25.094~~], Education Code.

24-19 SECTION 30. Section 54.1172(a), Government Code, is amended  
24-20 to read as follows:

24-21 (a) The county judge may appoint one or more part-time or  
24-22 full-time magistrates to hear a matter alleging a violation of  
24-23 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant  
24-24 conduct under Section 62.03(a), Education Code.

24-25 SECTION 31. Section 54.1952(a), Government Code, is amended  
24-26 to read as follows:

24-27 (a) The county judge may appoint one or more part-time or  
24-28 full-time magistrates to hear a matter alleging a violation of  
24-29 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant  
24-30 conduct under Section 62.03(a), Education Code, referred to the  
24-31 magistrate by a court having jurisdiction over the matter.

24-32 SECTION 32. Section 54.1955, Government Code, is amended to  
24-33 read as follows:

24-34 Sec. 54.1955. POWERS. (a) Except as limited by an order of  
24-35 the county judge, a magistrate appointed under this subchapter may:

24-36 (1) conduct hearings;  
24-37 (2) hear evidence;  
24-38 (3) issue summons for the appearance of witnesses;  
24-39 (4) examine witnesses;  
24-40 (5) swear witnesses for hearings;  
24-41 (6) recommend rulings or orders or a judgment in a  
24-42 case;

24-43 (7) regulate proceedings in a hearing;

24-44 (8) accept a plea of guilty or nolo contendere in a  
24-45 case alleging a violation of Section 25.093 [~~or 25.094~~], Education  
24-46 Code, and assess a fine or court costs or order community service in  
24-47 satisfaction of a fine or costs in accordance with Article 45.049,  
24-48 Code of Criminal Procedure;

24-49 (9) for a violation of Section 25.093, Education Code,  
24-50 enter an order suspending a sentence or deferring a final  
24-51 disposition that includes at least one of the requirements listed  
24-52 in Article 45.051, Code of Criminal Procedure;

24-53 (10) for an uncontested adjudication of truant conduct  
24-54 under Section 62.03, Education Code, accept a plea to the petition  
24-55 or a stipulation of evidence, and take any other action authorized  
24-56 under Subtitle J, Title 2, Education Code; and

24-57 (11) perform any act and take any measure necessary  
24-58 and proper for the efficient performance of the duties required by  
24-59 the referral order, including the entry of an order that includes at  
24-60 least one of the remedial options [~~requirements~~] in Section 64.03,  
24-61 Education Code [~~Article 45.054, Code of Criminal Procedure, and~~

24-62 [~~(11) if the magistrate finds that a child as defined~~  
24-63 ~~by Article 45.058, Code of Criminal Procedure, has violated an~~  
24-64 ~~order under Article 45.054, Code of Criminal Procedure, proceed as~~  
24-65 ~~authorized by Article 45.050, Code of Criminal Procedure].~~

24-66 (b) With respect to an issue of law or fact the ruling on  
24-67 which could result in the dismissal of a prosecution under Section  
24-68 25.093 [~~or 25.094~~], Education Code, or a case of truant conduct  
24-69 under Section 62.03, Education Code, a magistrate may not rule on



25-1 the issue but may make findings, conclusions, and recommendations  
 25-2 on the issue.

25-3 SECTION 33. Section 54.1956, Government Code, is amended to  
 25-4 read as follows:

25-5 Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED  
 25-6 CONDUCT. (a) On entry of a not guilty plea for a violation of  
 25-7 Section 25.093, Education Code, the magistrate shall refer the case  
 25-8 back to the referring court for all further pretrial proceedings  
 25-9 and a full trial on the merits before the court or a jury.

25-10 (b) On denial by a child of truant conduct, as defined by  
 25-11 Section 62.03(a), Education Code, the magistrate shall refer the  
 25-12 case to the appropriate truancy court for adjudication.

25-13 SECTION 34. Section 71.0352, Government Code, is amended to  
 25-14 read as follows:

25-15 Sec. 71.0352. JUVENILE DATA [~~DATE~~]: JUSTICE, MUNICIPAL,  
 25-16 AND TRUANCY [~~JUVENILE~~] COURTS. As a component of the official  
 25-17 monthly report submitted to the Office of Court Administration of  
 25-18 the Texas Judicial System:

25-19 (1) a justice court, [~~and~~] municipal court, or truancy  
 25-20 court [~~courts~~] shall report the number of cases filed for [~~the~~  
 25-21 ~~following offenses~~]:

25-22 (A) truant conduct under Section 62.03(a),  
 25-23 Education Code [~~failure to attend school under Section 25.094,~~  
 25-24 ~~Education Code~~];

25-25 (B) the offense of parent contributing to  
 25-26 nonattendance under Section 25.093, Education Code; and

25-27 (C) a violation of a local daytime curfew  
 25-28 ordinance adopted under Section 341.905 or 351.903, Local  
 25-29 Government Code; and

25-30 (2) in cases in which a child fails to obey an order of  
 25-31 a justice court, [~~or~~] municipal court, or truancy court under  
 25-32 circumstances that would constitute contempt of court, the justice  
 25-33 court, [~~or~~] municipal court, or truancy court shall report the  
 25-34 number of incidents in which the child is:

25-35 (A) referred to the appropriate juvenile court  
 25-36 for delinquent conduct as provided by Article 45.050(c)(1), Code of  
 25-37 Criminal Procedure, or [~~and~~] Section 67.01(b)(1) [~~51.03(a)(2)],~~  
 25-38 Education [~~Family~~] Code; or

25-39 (B) held in contempt, fined, or denied driving  
 25-40 privileges as provided by Article 45.050(c)(2), Code of Criminal  
 25-41 Procedure, or Section 67.01(b)(2), Education Code.

25-42 SECTION 35. Section 102.021, Government Code, is amended to  
 25-43 read as follows:

25-44 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
 25-45 PROCEDURE. A person convicted of an offense shall pay the following  
 25-46 under the Code of Criminal Procedure, in addition to all other  
 25-47 costs:

25-48 (1) court cost on conviction of any offense, other  
 25-49 than a conviction of an offense relating to a pedestrian or the  
 25-50 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
 25-51 Procedure) . . . \$4;

25-52 (2) a fee for services of prosecutor (Art. 102.008,  
 25-53 Code of Criminal Procedure) . . . \$25;

25-54 (3) fees for services of peace officer:

25-55 (A) issuing a written notice to appear in court  
 25-56 for certain violations (Art. 102.011, Code of Criminal Procedure)  
 25-57 . . . \$5;

25-58 (B) executing or processing an issued arrest  
 25-59 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
 25-60 Procedure) . . . \$50;

25-61 (C) summoning a witness (Art. 102.011, Code of  
 25-62 Criminal Procedure) . . . \$5;

25-63 (D) serving a writ not otherwise listed (Art.  
 25-64 102.011, Code of Criminal Procedure) . . . \$35;

25-65 (E) taking and approving a bond and, if  
 25-66 necessary, returning the bond to courthouse (Art. 102.011, Code of  
 25-67 Criminal Procedure) . . . \$10;

25-68 (F) commitment or release (Art. 102.011, Code of  
 25-69 Criminal Procedure) . . . \$5;

26-1 (G) summoning a jury (Art. 102.011, Code of  
26-2 Criminal Procedure) . . . \$5;  
26-3 (H) attendance of a prisoner in habeas corpus  
26-4 case if prisoner has been remanded to custody or held to bail (Art.  
26-5 102.011, Code of Criminal Procedure) . . . \$8 each day;  
26-6 (I) mileage for certain services performed (Art.  
26-7 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and  
26-8 (J) services of a sheriff or constable who serves  
26-9 process and attends examining trial in certain cases (Art. 102.011,  
26-10 Code of Criminal Procedure) . . . not to exceed \$5;  
26-11 (4) services of a peace officer in conveying a witness  
26-12 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
26-13 \$10 per day or part of a day, plus actual necessary travel expenses;  
26-14 (5) overtime of peace officer for time spent  
26-15 testifying in the trial or traveling to or from testifying in the  
26-16 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;  
26-17 (6) court costs on an offense relating to rules of the  
26-18 road, when offense occurs within a school crossing zone (Art.  
26-19 102.014, Code of Criminal Procedure) . . . \$25;  
26-20 (7) court costs on an offense of passing a school bus  
26-21 (Art. 102.014, Code of Criminal Procedure) . . . \$25;  
26-22 (8) court costs on an offense of parent contributing  
26-23 to student nonattendance [~~truancy or contributing to truancy~~] (Art.  
26-24 102.014, Code of Criminal Procedure) . . . \$20;  
26-25 (9) cost for visual recording of intoxication arrest  
26-26 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
26-27 \$15;  
26-28 (10) cost of certain evaluations (Art. 102.018, Code  
26-29 of Criminal Procedure) . . . actual cost;  
26-30 (11) additional costs attendant to certain  
26-31 intoxication convictions under Chapter 49, Penal Code, for  
26-32 emergency medical services, trauma facilities, and trauma care  
26-33 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;  
26-34 (12) additional costs attendant to certain child  
26-35 sexual assault and related convictions, for child abuse prevention  
26-36 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;  
26-37 (13) court cost for DNA testing for certain felonies  
26-38 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;  
26-39 (14) court cost for DNA testing for the offense of  
26-40 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of  
26-41 Criminal Procedure) . . . \$50;  
26-42 (15) court cost for DNA testing for certain felonies  
26-43 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;  
26-44 (16) if required by the court, a restitution fee for  
26-45 costs incurred in collecting restitution installments and for the  
26-46 compensation to victims of crime fund (Art. 42.037, Code of  
26-47 Criminal Procedure) . . . \$12;  
26-48 (17) if directed by the justice of the peace or  
26-49 municipal court judge hearing the case, court costs on conviction  
26-50 in a criminal action (Art. 45.041, Code of Criminal Procedure)  
26-51 . . . part or all of the costs as directed by the judge; and  
26-52 (18) costs attendant to convictions under Chapter 49,  
26-53 Penal Code, and under Chapter 481, Health and Safety Code, to help  
26-54 fund drug court programs established under Chapter 122, 123, 124,  
26-55 or 125, Government Code, or former law (Art. 102.0178, Code of  
26-56 Criminal Procedure) . . . \$60.

26-57 SECTION 36. Section 103.021, Government Code, is amended to  
26-58 read as follows:  
26-59 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
26-60 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,  
26-61 or a party to a civil suit, as applicable, shall pay the following  
26-62 fees and costs under the Code of Criminal Procedure if ordered by  
26-63 the court or otherwise required:  
26-64 (1) a personal bond fee (Art. 17.42, Code of Criminal  
26-65 Procedure) . . . the greater of \$20 or three percent of the amount  
26-66 of the bail fixed for the accused;  
26-67 (2) cost of electronic monitoring as a condition of  
26-68 release on personal bond (Art. 17.43, Code of Criminal Procedure)  
26-69 . . . actual cost;

- 27-1 (3) a fee for verification of and monitoring of motor  
27-2 vehicle ignition interlock (Art. 17.441, Code of Criminal  
27-3 Procedure) . . . not to exceed \$10;
- 27-4 (3-a) costs associated with operating a global  
27-5 positioning monitoring system as a condition of release on bond  
27-6 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,  
27-7 subject to a determination of indigency;
- 27-8 (3-b) costs associated with providing a defendant's  
27-9 victim with an electronic receptor device as a condition of the  
27-10 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal  
27-11 Procedure) . . . actual costs, subject to a determination of  
27-12 indigency;
- 27-13 (4) repayment of reward paid by a crime stoppers  
27-14 organization on conviction of a felony (Art. 37.073, Code of  
27-15 Criminal Procedure) . . . amount ordered;
- 27-16 (5) reimbursement to general revenue fund for payments  
27-17 made to victim of an offense as condition of community supervision  
27-18 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for  
27-19 a misdemeanor offense or \$100 for a felony offense;
- 27-20 (6) payment to a crime stoppers organization as  
27-21 condition of community supervision (Art. 42.12, Code of Criminal  
27-22 Procedure) . . . not to exceed \$50;
- 27-23 (7) children's advocacy center fee (Art. 42.12, Code  
27-24 of Criminal Procedure) . . . not to exceed \$50;
- 27-25 (8) family violence center fee (Art. 42.12, Code of  
27-26 Criminal Procedure) . . . \$100;
- 27-27 (9) community supervision fee (Art. 42.12, Code of  
27-28 Criminal Procedure) . . . not less than \$25 or more than \$60 per  
27-29 month;
- 27-30 (10) additional community supervision fee for certain  
27-31 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per  
27-32 month;
- 27-33 (11) for certain financially able sex offenders as a  
27-34 condition of community supervision, the costs of treatment,  
27-35 specialized supervision, or rehabilitation (Art. 42.12, Code of  
27-36 Criminal Procedure) . . . all or part of the reasonable and  
27-37 necessary costs of the treatment, supervision, or rehabilitation as  
27-38 determined by the judge;
- 27-39 (12) fee for failure to appear for trial in a justice  
27-40 or municipal court if a jury trial is not waived (Art. 45.026, Code  
27-41 of Criminal Procedure) . . . costs incurred for impaneling the  
27-42 jury;
- 27-43 (13) costs of certain testing, assessments, or  
27-44 programs during a deferral period (Art. 45.051, Code of Criminal  
27-45 Procedure) . . . amount ordered;
- 27-46 (14) special expense on dismissal of certain  
27-47 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)  
27-48 . . . not to exceed amount of fine assessed;
- 27-49 (15) an additional fee:
- 27-50 (A) for a copy of the defendant's driving record  
27-51 to be requested from the Department of Public Safety by the judge  
27-52 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal  
27-53 to the sum of the fee established by Section 521.048,  
27-54 Transportation Code, and the state electronic Internet portal fee;
- 27-55 (B) as an administrative fee for requesting a  
27-56 driving safety course or a course under the motorcycle operator  
27-57 training and safety program for certain traffic offenses to cover  
27-58 the cost of administering the article (Art. 45.0511(f)(1), Code of  
27-59 Criminal Procedure) . . . not to exceed \$10; or
- 27-60 (C) for requesting a driving safety course or a  
27-61 course under the motorcycle operator training and safety program  
27-62 before the final disposition of the case (Art. 45.0511(f)(2), Code  
27-63 of Criminal Procedure) . . . not to exceed the maximum amount of the  
27-64 fine for the offense committed by the defendant;
- 27-65 (16) a request fee for teen court program (Art.  
27-66 45.052, Code of Criminal Procedure) . . . \$20, if the court  
27-67 ordering the fee is located in the Texas-Louisiana border region,  
27-68 but otherwise not to exceed \$10;
- 27-69 (17) a fee to cover costs of required duties of teen

28-1 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the  
28-2 court ordering the fee is located in the Texas-Louisiana border  
28-3 region, but otherwise \$10;

28-4 (18) a mileage fee for officer performing certain  
28-5 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per  
28-6 mile;

28-7 (19) certified mailing of notice of hearing date (Art.  
28-8 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

28-9 (20) certified mailing of certified copies of an order  
28-10 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,  
28-11 plus postage;

28-12 (20-a) a fee to defray the cost of notifying state  
28-13 agencies of orders of expungement (Art. 45.0216, Code of Criminal  
28-14 Procedure) . . . \$30 per application;

28-15 [~~20-b) a fee to defray the cost of notifying state~~  
28-16 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~  
28-17 ~~Procedure) . . . \$30 per application,~~]

28-18 (21) sight orders:

28-19 (A) if the face amount of the check or sight order  
28-20 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)  
28-21 . . . not to exceed \$10;

28-22 (B) if the face amount of the check or sight order  
28-23 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of  
28-24 Criminal Procedure) . . . not to exceed \$15;

28-25 (C) if the face amount of the check or sight order  
28-26 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of  
28-27 Criminal Procedure) . . . not to exceed \$30;

28-28 (D) if the face amount of the check or sight order  
28-29 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of  
28-30 Criminal Procedure) . . . not to exceed \$50; and

28-31 (E) if the face amount of the check or sight order  
28-32 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)  
28-33 . . . not to exceed \$75;

28-34 (22) fees for a pretrial intervention program:

28-35 (A) a supervision fee (Art. 102.012(a), Code of  
28-36 Criminal Procedure) . . . \$60 a month plus expenses; and

28-37 (B) a district attorney, criminal district  
28-38 attorney, or county attorney administrative fee (Art. 102.0121,  
28-39 Code of Criminal Procedure) . . . not to exceed \$500;

28-40 (23) parking fee violations for child safety fund in  
28-41 municipalities with populations:

28-42 (A) greater than 850,000 (Art. 102.014, Code of  
28-43 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

28-44 (B) less than 850,000 (Art. 102.014, Code of  
28-45 Criminal Procedure) . . . not to exceed \$5;

28-46 (24) an administrative fee for collection of fines,  
28-47 fees, restitution, or other costs (Art. 102.072, Code of Criminal  
28-48 Procedure) . . . not to exceed \$2 for each transaction; and

28-49 (25) a collection fee, if authorized by the  
28-50 commissioners court of a county or the governing body of a  
28-51 municipality, for certain debts and accounts receivable, including  
28-52 unpaid fines, fees, court costs, forfeited bonds, and restitution  
28-53 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30  
28-54 percent of an amount more than 60 days past due.

28-55 SECTION 37. Subchapter B, Chapter 103, Government Code, is  
28-56 amended by adding Section 103.035 to read as follows:

28-57 Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: EDUCATION  
28-58 CODE. A party to a truancy case in a truancy court shall pay court  
28-59 costs of \$50 under Section 64.07, Education Code, if ordered by the  
28-60 truancy court.

28-61 SECTION 38. The following laws are repealed:

28-62 (1) Articles 45.054 and 45.055, Code of Criminal  
28-63 Procedure;

28-64 (2) Section 25.094, Education Code; and

28-65 (3) Sections 51.03(d), (e-1), and (g), 51.04(h),  
28-66 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1),  
28-67 Family Code.

28-68 SECTION 39. The changes in law made by this Act apply only  
28-69 to an offense committed or conduct that occurs on or after the

29-1 effective date of this Act. An offense committed or conduct that  
29-2 occurs before the effective date of this Act is governed by the law  
29-3 in effect on the date the offense was committed or the conduct  
29-4 occurred, and the former law is continued in effect for that  
29-5 purpose. For purposes of this section, an offense is committed or  
29-6 conduct occurs before the effective date of this Act if any element  
29-7 of the offense or conduct occurs before that date.

29-8 SECTION 40. To the extent of any conflict, this Act prevails  
29-9 over another Act of the 84th Legislature, Regular Session, 2015,  
29-10 relating to nonsubstantive additions to and corrections in enacted  
29-11 codes.

29-12 SECTION 41. This Act takes effect immediately if it  
29-13 receives a vote of two-thirds of all the members elected to each  
29-14 house, as provided by Section 39, Article III, Texas Constitution.  
29-15 If this Act does not receive the vote necessary for immediate  
29-16 effect, this Act takes effect September 1, 2015.

29-17

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