

By: Whitmire

S.B. No. 108

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal procedures for misdemeanor offenses committed by children.

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

SECTION 1. Article 45.0216(h), Code of Criminal Procedure, is amended to read as follows:

(h) Records of a person under 17 years of age relating to a complaint [~~dismissed as provided by Article 45.051 or 45.052~~] may be expunged under this article if:

(1) the complaint was dismissed under Article 45.051 or 45.052 or other law; or

(2) the person was acquitted of the offense.

SECTION 2. Article 45.058(g), Code of Criminal Procedure, is amended to read as follows:

(g) Except as provided by Subsection (g-1) and Section 37.143(a), Education Code, a law enforcement officer may issue a field release citation as provided by Article 14.06 in place of taking a child into custody for a traffic offense or an offense punishable by fine only.

SECTION 3. Section 37.141(1), Education Code, is amended to read as follows:

(1) "Child" means a person who is:

(A) a student; and

(B) at least 10 years of age and younger than 18

1 years of age [~~has the meaning assigned by Article 45.058(h), Code of~~
2 ~~Criminal Procedure, except that the person must also be a student~~].

3 SECTION 4. Section 37.143(a), Education Code, is amended to
4 read as follows:

5 (a) A peace officer, law enforcement officer, or school
6 resource officer may not issue a citation to a child who is alleged
7 to have committed a school offense.

8 SECTION 5. (a) Except as provided by Subsection (b) of this
9 section, the changes in law made by this Act apply only to an
10 offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect on the date the offense was committed, and the
13 former law is continued in effect for that purpose. For purposes of
14 this section, an offense was committed before the effective date of
15 this Act if any element of the offense occurred before that date.

16 (b) The change in law made by this Act to Article
17 45.0216(h), Code of Criminal Procedure, applies to arrest records
18 and files created before, on, or after the effective date of this
19 Act.

20 SECTION 6. This Act takes effect September 1, 2015.