

By: West

S.B. No. 285

A BILL TO BE ENTITLED

AN ACT

relating to court jurisdiction and procedures for truancy.

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

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

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

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

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 51.03(b)(2), Family Code [~~25.094, Education Code~~].

SECTION 2. Article 45.0216(g), Code of Criminal Procedure, is amended to read as follows:

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

(1) Chapter 106, Alcoholic Beverage Code; or

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

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

1 SECTION 3. Article 102.014(d), Code of Criminal Procedure,
2 is amended to read as follows:

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

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

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

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

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

21 (1) over 17 years of age;

22 (2) 16 years of age or older and:

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

26 (B) a public agency providing supervision of the
27 person or having custody of the person under a court order

1 recommends that the person take the examination; or

2 (C) is enrolled in the Texas Military
3 Department's [~~adjutant general's department's~~] Seaborne Challenge
4 Corps; or

5 (3) required to take the examination under a court
6 order issued under Section 54.0492(a)(1)(C), Family Code.

7 SECTION 5. Section 25.085(f), Education Code, is amended to
8 read as follows:

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

16 SECTION 6. Sections 25.091(a) and (b), Education Code, are
17 amended to read as follows:

18 (a) A peace officer serving as an attendance officer has the
19 following powers and duties concerning enforcement of compulsory
20 school attendance requirements:

21 (1) to investigate each case of a violation of
22 compulsory school attendance requirements referred to the peace
23 officer;

24 (2) to enforce compulsory school attendance
25 requirements by:

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

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

3 (i) referring the student to a juvenile
4 court or filing a complaint against the student in a county,
5 justice, or municipal court if the student has unexcused absences
6 for the amount of time specified under [~~Section 25.094 or under~~]
7 Section 51.03(b)(2), Family Code; or

8 (ii) filing a complaint in a county,
9 justice, or municipal court against a parent who violates Section
10 25.093;

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

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

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

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

26 (7) to take a student into custody with the permission
27 of the student's parent or in obedience to a court-ordered legal

1 process.

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

6 (1) to investigate each case of a violation of the
7 compulsory school attendance requirements referred to the
8 attendance officer;

9 (2) to enforce compulsory school attendance
10 requirements by:

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

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

15 (i) referring the student to a juvenile
16 court or filing a complaint against the student in a county,
17 justice, or municipal court if the student has unexcused absences
18 for the amount of time specified under [~~Section 25.094 or under~~]
19 Section 51.03(b)(2), Family Code; and

20 (ii) filing a complaint in a county,
21 justice, or municipal court against a parent who violates Section
22 25.093;

23 (3) to monitor school attendance compliance by each
24 student investigated by the officer;

25 (4) to maintain an investigative record on each
26 compulsory school attendance requirement violation and related
27 court action and, at the request of a court, the board of trustees

1 of a school district, or the commissioner, to provide a record to
2 the individual or entity requesting the record;

3 (5) to make a home visit or otherwise contact the
4 parent of a student who is in violation of compulsory school
5 attendance requirements, except that the attendance officer may not
6 enter a residence without permission of the parent or of the owner
7 or tenant of the residence;

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

11 (7) if the attendance officer has or is informed of a
12 court-ordered legal process directing that a student be taken into
13 custody and the school district employing the officer does not
14 employ its own police department, to contact the sheriff,
15 constable, or any peace officer to request that the student be taken
16 into custody and processed according to the legal process.

17 SECTION 7. Sections 25.0915(a) and (b), Education Code, are
18 amended to read as follows:

19 (a) A school district shall adopt truancy prevention
20 measures designed to:

21 (1) address student conduct related to truancy in the
22 school setting; and

23 (2) minimize the need for referrals to juvenile court
24 for conduct described by Section 51.03(b)(2), Family Code~~[, and~~

25 ~~[(3) minimize the filing of complaints in county,~~
26 ~~justice, and municipal courts alleging a violation of Section~~
27 ~~25.094].~~

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

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

7 (A) the school applied the truancy prevention
8 measures adopted under Subsection (a) to the student; and

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

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

13 SECTION 8. Section 25.093(a), Education Code, is amended to
14 read as follows:

15 (a) If a warning is issued as required by Section 25.095(a),
16 the parent with criminal negligence fails to require the child to
17 attend school as required by law, and the child has absences for the
18 amount of time specified under Section 51.03(b)(2), Family Code
19 [~~25.094~~], the parent commits an offense.

20 SECTION 9. Sections 25.095(a) and (c), Education Code, are
21 amended to read as follows:

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

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

3 (2) the student is subject to ~~[prosecution under~~
4 ~~Section 25.094 or to]~~ referral to a juvenile court ~~[in a county with~~
5 ~~a population of less than 100,000]~~ for conduct indicating a need for
6 supervision under Section 51.03(b)(2), Family Code ~~[that violates~~
7 ~~that section]~~.

8 (c) The fact that a parent did not receive a notice under
9 Subsection (a) or (b) does not create a defense ~~[to prosecution]~~
10 under Section 25.093 or Section 51.03(b)(2), Family Code ~~[25.094]~~.

11 SECTION 10. Sections 25.0951(a), (b), and (c), Education
12 Code, are amended to read as follows:

13 (a) If a student fails to attend school without excuse on 10
14 or more days or parts of days within a six-month period in the same
15 school year, a school district shall within 10 school days of the
16 student's 10th absence~~+~~

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

22 ~~[(2)]~~ refer the student to a juvenile court for
23 conduct indicating a need for supervision under Section
24 51.03(b)(2), Family Code.

25 (b) If a student fails to attend school without excuse on
26 three or more days or parts of days within a four-week period but
27 does not fail to attend school for the time described by Subsection

1 (a), the school district may[+]

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

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

10 (c) If a student fails to attend school without excuse as
11 specified by Subsection (a) or (b), a school district may file a
12 complaint against the student's parent in a county, justice, or
13 municipal court for an offense under Section 25.093. In this
14 subsection ~~[section]~~, "parent" includes a person standing in
15 parental relation.

16 SECTION 11. Section 25.0952, Education Code, is amended to
17 read as follows:

18 Sec. 25.0952. PROCEDURES APPLICABLE TO SCHOOL
19 ATTENDANCE-RELATED OFFENSES. In a proceeding based on a complaint
20 under Section 25.093 ~~[or 25.094]~~, the court shall, except as
21 otherwise provided by this chapter, use the procedures and exercise
22 the powers authorized by Chapter 45, Code of Criminal Procedure.

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

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

27 (1) the student has been ordered by a court under

1 Section 54.0492, Family Code [~~Article 45.054, Code of Criminal~~
2 ~~Procedure, as added by Chapter 1514, Acts of the 77th Legislature,~~
3 ~~Regular Session, 2001~~], or by the Texas Juvenile Justice Department
4 [~~Youth Commission~~] to:

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

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

9 (2) the following conditions are satisfied:

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

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

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

16 (D) at least two school years have elapsed since
17 the student first enrolled in ninth grade and the student has
18 accumulated less than one third of the credits required to graduate
19 under the minimum graduation requirements of the district or
20 school; and

21 (E) any other conditions specified by the
22 commissioner.

23 SECTION 13. Section 51.02(15), Family Code, is amended to
24 read as follows:

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

1 (A) truancy under Section 51.03(b)(2);

2 (B) running away from home under Section
3 51.03(b)(3);

4 (C) a fineable only offense under Section
5 51.03(b)(1) transferred to the juvenile court under Section
6 51.08(b), but only if the conduct constituting the offense would
7 not have been criminal if engaged in by an adult;

8 (D) [~~failure to attend school under Section~~
9 ~~25.094, Education Code;~~

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

12 (E) [~~(F)~~] a violation of a juvenile curfew
13 ordinance or order;

14 (F) [~~(G)~~] a violation of a provision of the
15 Alcoholic Beverage Code applicable to minors only; or

16 (G) [~~(H)~~] a violation of any other fineable only
17 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
18 conduct constituting the offense would not have been criminal if
19 engaged in by an adult.

20 SECTION 14. Sections 51.03(b) and (f), Family Code, are
21 amended to read as follows:

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

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

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

27 (B) the penal ordinances of any political

1 subdivision of this state;

2 (2) truancy, which is the absence of a child on 10 or
3 more days or parts of days within a six-month period in the same
4 school year or on three or more days or parts of days within a
5 four-week period from school;

6 (3) the voluntary absence of a child from the child's
7 home without the consent of the child's parent or guardian for a
8 substantial length of time or without intent to return;

9 (4) conduct prohibited by city ordinance or by state
10 law involving the inhalation of the fumes or vapors of paint and
11 other protective coatings or glue and other adhesives and the
12 volatile chemicals itemized in Section 485.001, Health and Safety
13 Code;

14 (5) an act that violates a school district's
15 previously communicated written standards of student conduct for
16 which the child has been expelled under Section 37.007(c),
17 Education Code;

18 (6) conduct that violates a reasonable and lawful
19 order of a court entered under Section 264.305;

20 (7) notwithstanding Subsection (a)(1), conduct
21 described by Section 43.02(a)(1) or (2), Penal Code; or

22 (8) notwithstanding Subsection (a)(1), conduct that
23 violates Section 43.261, Penal Code.

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

1 SECTION 15. Section 51.04, Family Code, is amended by
2 amending Subsections (b) and (h) and adding Subsection (j) to read
3 as follows:

4 (b) In each county, the county's juvenile board shall
5 designate one or more district, criminal district, domestic
6 relations, juvenile, or county courts or county courts at law as the
7 juvenile court, subject to Subsections (c), (d), ~~[and]~~ (i), and
8 (j).

9 (h) In a county with a population of less than 100,000, the
10 juvenile court has concurrent jurisdiction with the justice and
11 municipal courts over conduct engaged in by a child that violates
12 Section 51.03(b)(2) [~~25.094, Education Code~~].

13 (j) In a county with a population of 1.75 million or more, a
14 county, justice, or municipal court is designated as a juvenile
15 court to make determinations under Section 51.03(b)(2).

16 SECTION 16. Section 51.10, Family Code, is amended by
17 adding Subsection (a-1) to read as follows:

18 (a-1) A child may not be represented by an attorney in
19 truancy proceedings under Section 51.03(b)(2).

20 SECTION 17. Section 54.041(f), Family Code, is amended to
21 read as follows:

22 (f) If a child is found to have engaged in conduct
23 indicating a need for supervision described under Section
24 51.03(b)(2) [~~or (g)~~], the court may order the child's parents or
25 guardians to attend a program described by Section 25.093(f),
26 Education Code, if a program is available.

27 SECTION 18. Chapter 54, Family Code, is amended by adding

1 Section 54.0492 to read as follows:

2 Sec. 54.0492. REMEDIES IN TRUANCY CASES. (a) On a finding
3 that an individual has engaged in conduct indicating a need for
4 supervision under Section 51.03(b)(2), the court may enter an
5 order that includes one or more of the following provisions
6 requiring that:

7 (1) the individual:

8 (A) attend school without unexcused absences;

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

14 (C) if the individual is at least 16 years of age,
15 take the high school equivalency examination administered under
16 Section 7.111, Education Code;

17 (2) the individual attend a special program that the
18 court determines to be in the best interest of the individual,
19 including:

20 (A) an alcohol and drug abuse program;

21 (B) a rehabilitation program;

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

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

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

27 (F) a program that provides training in

1 parenting, including parental responsibility;

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

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

5 (I) a program that provides sensitivity
6 training; or

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

9 (3) the individual and the individual's parent attend
10 a class for students at risk of dropping out of school designed for
11 both the individual and the individual's parent;

12 (4) the individual complete reasonable community
13 service requirements; or

14 (5) for the number of hours ordered by the court, the
15 individual participate in a tutorial program:

16 (A) covering the academic subjects in which the
17 student is enrolled; and

18 (B) provided by the school the individual
19 attends.

20 (b) An order under Subsection (a) may not require a student
21 to attend a juvenile justice alternative education program.

22 (c) An order under Subsection (a)(3) that requires the
23 parent of an individual to attend a class for students at risk of
24 dropping out of school is enforceable by contempt.

25 (d) The court shall endorse on the summons issued to the
26 parent of the individual who is the subject of the hearing an order
27 directing the parent to appear personally at the hearing and

1 directing the person having custody of the individual to bring the
2 individual to the hearing.

3 (e) A parent who fails to attend a hearing under this
4 section after receiving notice of a summons under Subsection (d)
5 commits an offense. An offense under this subsection is a Class C
6 misdemeanor.

7 (f) In addition to any other order authorized by this
8 section, the court may order the Department of Public Safety to
9 suspend the driver's license or permit of the individual who is the
10 subject of the hearing or, if the individual does not have a license
11 or permit, to deny the issuance of a license or permit to the
12 individual for a period specified by the court not to exceed 365
13 days.

14 (g) A dispositional order under this section is effective
15 for the period specified by the court in the order but may not
16 extend beyond the 180th day after the date of the order or beyond
17 the end of the school year in which the order was entered, whichever
18 period is longer.

19 (h) In this section, "parent" includes a person standing in
20 parental relation.

21 (i) A court shall dismiss the petition or complaint against
22 an individual if:

23 (1) the court finds that the individual has
24 successfully complied with the conditions imposed on the individual
25 by the court under this section; or

26 (2) the individual presents to the court proof that
27 the individual has obtained a high school diploma or a high school

1 equivalency certificate.

2 (j) A county, justice, or municipal court may waive or
3 reduce a fee or court cost imposed under this section if the court
4 finds that payment of the fee or court cost would cause financial
5 hardship.

6 SECTION 19. Section 58.106(a), Family Code, is amended to
7 read as follows:

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

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

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

17 (3) to a juvenile justice agency;

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

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

23 (6) to a county, justice, or municipal court
24 exercising jurisdiction over a juvenile, including a court
25 exercising jurisdiction over a juvenile under Section 51.04(j)
26 [~~54.021~~].

27 SECTION 20. Section 26.045(d), Government Code, is amended

1 to read as follows:

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

5 SECTION 21. Section 29.003(i), Government Code, is amended
6 to read as follows:

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

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

16 (2) cases that arise under Section 821.022, Health and
17 Safety Code, or Section 51.03(b)(2), Family Code [~~25.094, Education~~
18 ~~Code~~].

19 SECTION 22. Section 54.1172(a), Government Code, is amended
20 to read as follows:

21 (a) The county judge may appoint one or more part-time or
22 full-time magistrates to hear a matter alleging a violation of
23 Section 25.093 [~~or 25.094~~], Education Code, or 51.03(b)(2), Family
24 Code.

25 SECTION 23. Section 54.1952(a), Government Code, is amended
26 to read as follows:

27 (a) The county judge may appoint one or more part-time or

1 full-time magistrates to hear a matter alleging a violation of
2 Section 25.093 [~~or 25.094~~], Education Code, or a truancy case under
3 Section 51.03(b)(2), Family Code, referred to the magistrate by a
4 court having jurisdiction over the matter.

5 SECTION 24. Section 54.1955, Government Code, is amended to
6 read as follows:

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

- 9 (1) conduct hearings;
- 10 (2) hear evidence;
- 11 (3) issue summons for the appearance of witnesses;
- 12 (4) examine witnesses;
- 13 (5) swear witnesses for hearings;
- 14 (6) recommend rulings or orders or a judgment in a
15 case;
- 16 (7) regulate proceedings in a hearing;
- 17 (8) accept a plea of guilty or nolo contendere in a
18 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
19 Code, and assess a fine or court costs or order community service in
20 satisfaction of a fine or costs in accordance with Article 45.049,
21 Code of Criminal Procedure;
- 22 (9) for a violation of Section 25.093, Education Code,
23 enter an order suspending a sentence or deferring a final
24 disposition that includes at least one of the requirements listed
25 in Article 45.051, Code of Criminal Procedure;
- 26 (10) for an uncontested adjudication of conduct
27 indicating a need for supervision under Section 51.03(b)(2), Family

1 Code, accept a plea to the petition or a stipulation of evidence,
2 and enter a disposition, defer adjudication, or take any other
3 action authorized under Chapter 54, Family Code; and

4 (11) perform any act and take any measure necessary
5 and proper for the efficient performance of the duties required by
6 the referral order, including the entry of an order that includes at
7 least one of the requirements in Section 54.0492, Family Code
8 [Article 45.054, Code of Criminal Procedure; and

9 (11) if the magistrate finds that a child as defined
10 by Article 45.058, Code of Criminal Procedure, has violated an
11 order under Article 45.054, Code of Criminal Procedure, proceed as
12 authorized by Article 45.050, Code of Criminal Procedure].

13 (b) With respect to an issue of law or fact the ruling on
14 which could result in the dismissal of a prosecution under Section
15 25.093 [~~or 25.094~~], Education Code, or a truancy case under Section
16 51.03(b)(2), Family Code, a magistrate may not rule on the issue but
17 may make findings, conclusions, and recommendations on the issue.

18 SECTION 25. Section 54.1956, Government Code, is amended to
19 read as follows:

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

25 (b) On denial by a child of conduct described by Section
26 57.03(b)(2), Family Code, the magistrate shall refer the case to
27 the appropriate juvenile court for adjudication.

1 SECTION 26. Section 71.0352, Government Code, is amended to
2 read as follows:

3 Sec. 71.0352. JUVENILE DATE: JUSTICE, MUNICIPAL, AND
4 JUVENILE COURTS. As a component of the official monthly report
5 submitted to the Office of Court Administration of the Texas
6 Judicial System:

7 (1) justice and municipal courts shall report the
8 number of cases filed for [~~the following offenses~~]:

9 (A) conduct indicating a need for supervision
10 under Section 51.03(b)(2), Family Code [~~failure to attend school~~
11 ~~under Section 25.094, Education Code~~];

12 (B) parent contributing to nonattendance under
13 Section 25.093, Education Code; and

14 (C) violation of a local daytime curfew ordinance
15 adopted under Section 341.905 or 351.903, Local Government Code;
16 and

17 (2) in cases in which a child fails to obey an order of
18 a justice or municipal court under circumstances that would
19 constitute contempt of court, the justice or municipal court shall
20 report the number of incidents in which the child is:

21 (A) referred to the appropriate juvenile court
22 for delinquent conduct as provided by Article 45.050(c)(1), Code of
23 Criminal Procedure, and Section 51.03(a)(2), Family Code; or

24 (B) held in contempt, fined, or denied driving
25 privileges as provided by Article 45.050(c)(2), Code of Criminal
26 Procedure.

27 SECTION 27. Section 102.021, Government Code, is amended to

1 read as follows:

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

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

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

12 (3) fees for services of peace officer:

13 (A) issuing a written notice to appear in court
14 for certain violations (Art. 102.011, Code of Criminal Procedure)
15 . . . \$5;

16 (B) executing or processing an issued arrest
17 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal
18 Procedure) . . . \$50;

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

21 (D) serving a writ not otherwise listed (Art.
22 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

3 (H) attendance of a prisoner in habeas corpus
4 case if prisoner has been remanded to custody or held to bail (Art.
5 102.011, Code of Criminal Procedure) . . . \$8 each day;

6 (I) mileage for certain services performed (Art.
7 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

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

11 (4) services of a peace officer in conveying a witness
12 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
13 \$10 per day or part of a day, plus actual necessary travel expenses;

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

17 (6) court costs on an offense relating to rules of the
18 road, when offense occurs within a school crossing zone (Art.
19 102.014, Code of Criminal Procedure) . . . \$25;

20 (7) court costs on an offense of passing a school bus
21 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

22 (8) court costs on an offense of parent contributing
23 to student nonattendance [~~truancy or contributing to truancy~~] (Art.
24 102.014, Code of Criminal Procedure) . . . \$20;

25 (9) cost for visual recording of intoxication arrest
26 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
27 \$15;

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

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

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

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

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

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

17 (16) if required by the court, a restitution fee for
18 costs incurred in collecting restitution installments and for the
19 compensation to victims of crime fund (Art. [42.037](#), Code of
20 Criminal Procedure) . . . \$12;

21 (17) if directed by the justice of the peace or
22 municipal court judge hearing the case, court costs on conviction
23 in a criminal action (Art. [45.041](#), Code of Criminal Procedure)
24 . . . part or all of the costs as directed by the judge; and

25 (18) costs attendant to convictions under Chapter 49,
26 Penal Code, and under Chapter 481, Health and Safety Code, to help
27 fund drug court programs established under Chapter 122, 123, 124,

1 or 125, Government Code, or former law (Art. 102.0178, Code of
2 Criminal Procedure) . . . \$60.

3 SECTION 28. Section 103.021, Government Code, is amended to
4 read as follows:

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

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

13 (2) cost of electronic monitoring as a condition of
14 release on personal bond (Art. 17.43, Code of Criminal Procedure)
15 . . . actual cost;

16 (3) a fee for verification of and monitoring of motor
17 vehicle ignition interlock (Art. 17.441, Code of Criminal
18 Procedure) . . . not to exceed \$10;

19 (3-a) costs associated with operating a global
20 positioning monitoring system as a condition of release on bond
21 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
22 subject to a determination of indigency;

23 (3-b) costs associated with providing a defendant's
24 victim with an electronic receptor device as a condition of the
25 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
26 Procedure) . . . actual costs, subject to a determination of
27 indigency;

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

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

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

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

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

15 (9) community supervision fee (Art. 42.12, Code of
16 Criminal Procedure) . . . not less than \$25 or more than \$60 per
17 month;

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

21 (11) for certain financially able sex offenders as a
22 condition of community supervision, the costs of treatment,
23 specialized supervision, or rehabilitation (Art. 42.12, Code of
24 Criminal Procedure) . . . all or part of the reasonable and
25 necessary costs of the treatment, supervision, or rehabilitation as
26 determined by the judge;

27 (12) fee for failure to appear for trial in a justice

1 or municipal court if a jury trial is not waived (Art. 45.026, Code
2 of Criminal Procedure) . . . costs incurred for impaneling the
3 jury;

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

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

10 (15) an additional fee:

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

16 (B) as an administrative fee for requesting a
17 driving safety course or a course under the motorcycle operator
18 training and safety program for certain traffic offenses to cover
19 the cost of administering the article (Art. 45.0511(f)(1), Code of
20 Criminal Procedure) . . . not to exceed \$10; or

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

26 (16) a request fee for teen court program (Art.
27 45.052, Code of Criminal Procedure) . . . \$20, if the court

1 ordering the fee is located in the Texas-Louisiana border region,
2 but otherwise not to exceed \$10;

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

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

10 (19) certified mailing of notice of hearing date (Art.
11 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

12 (20) certified mailing of certified copies of an order
13 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
14 plus postage;

15 (20-a) a fee to defray the cost of notifying state
16 agencies of orders of expungement (Art. 45.0216, Code of Criminal
17 Procedure) . . . \$30 per application;

18 [~~(20-b) a fee to defray the cost of notifying state~~
19 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~
20 ~~Procedure) . . . \$30 per application,]~~

21 (21) sight orders:

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

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

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

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

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

10 (22) fees for a pretrial intervention program:

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

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

16 (23) parking fee violations for child safety fund in
17 municipalities with populations:

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

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

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

25 (25) a collection fee, if authorized by the
26 commissioners court of a county or the governing body of a
27 municipality, for certain debts and accounts receivable, including

1 unpaid fines, fees, court costs, forfeited bonds, and restitution
2 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
3 percent of an amount more than 60 days past due.

4 SECTION 29. The following laws are repealed:

5 (1) Articles 45.054 and 45.055, Code of Criminal
6 Procedure;

7 (2) Section 25.094, Education Code; and

8 (3) Sections 51.03(g), 51.08(e), and 54.021, Family
9 Code.

10 SECTION 30. The changes in law made by this Act apply only
11 to an offense committed or conduct that occurs on or after the
12 effective date of this Act. An offense committed or conduct that
13 occurs before the effective date of this Act is governed by the law
14 in effect on the date the offense was committed or the conduct
15 occurred, and the former law is continued in effect for that
16 purpose. For purposes of this section, an offense is committed or
17 conduct occurs before the effective date of this Act if any element
18 of the offense or conduct occurs before the effective date.

19 SECTION 31. To the extent of any conflict, this Act prevails
20 over another Act of the 84th Legislature, Regular Session, 2015,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 32. This Act takes effect September 1, 2015.