

1-1 By: White of Tyler (Senate Sponsor - Whitmire) H.B. No. 2398
 1-2 (In the Senate - Received from the House May 14, 2015;
 1-3 May 14, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 22, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 1;
 1-6 May 22, 2015, 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 H.B. No. 2398 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 establishing judicial donation trust funds; providing criminal
 1-21 penalties; imposing a court cost.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 4.14(g), Code of Criminal Procedure, is
 1-24 amended to read as follows:

1-25 (g) A municipality may enter into an agreement with a
 1-26 contiguous municipality or a municipality with boundaries that are
 1-27 within one-half mile of the municipality seeking to enter into the
 1-28 agreement to establish concurrent jurisdiction of the municipal
 1-29 courts in the municipalities and provide original jurisdiction to a
 1-30 municipal court in which a case is brought as if the municipal court
 1-31 were located in the municipality in which the case arose, for:

1-32 (1) all cases in which either municipality has
 1-33 jurisdiction under Subsection (a); and

1-34 (2) cases that arise under Section 821.022, Health and
 1-35 Safety Code[, or Section 25.094, Education Code].

1-36 SECTION 2. Articles 45.0216(f) and (g), Code of Criminal
 1-37 Procedure, are amended to read as follows:

1-38 (f) The court shall order the conviction, together with all
 1-39 complaints, verdicts, sentences, and prosecutorial and law
 1-40 enforcement records, and any other documents relating to the
 1-41 offense, expunged from the person's record if the court finds that:

1-42 (1) for a person applying for the expunction of a
 1-43 conviction for an offense described by Section 8.07(a)(4) or (5),
 1-44 Penal Code, the person was not convicted of any other offense
 1-45 described by Section 8.07(a)(4) or (5), Penal Code, while the
 1-46 person was a child; and

1-47 (2) for a person applying for the expunction of a
 1-48 conviction for an offense described by Section 43.261, Penal Code,
 1-49 the person was not found to have engaged in conduct indicating a
 1-50 need for supervision described by Section 51.03(b)(7)
 1-51 [~~51.03(b)(8)~~], Family Code, while the person was a child.

1-52 (g) This article does not apply to any offense otherwise
 1-53 covered by:

1-54 (1) Chapter 106, Alcoholic Beverage Code; or

1-55 (2) Chapter 161, Health and Safety Code[, or

1-56 [~~(3) Section 25.094, Education Code~~].

1-57 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
 1-58 Procedure, is amended by adding Articles 45.0531 and 45.0541 to
 1-59 read as follows:

1-60 Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO

2-1 NONATTENDANCE CHARGE. Notwithstanding any other law, a county,
2-2 justice, or municipal court, at the court's discretion, may dismiss
2-3 a charge against a defendant alleging the defendant committed an
2-4 offense under Section 25.093, Education Code, if the court finds
2-5 that a dismissal would be in the interest of justice because:

- 2-6 (1) there is a low likelihood of recidivism by the
2-7 defendant; or
- 2-8 (2) sufficient justification exists for the failure to
2-9 attend school.

2-10 Art. 45.0541. EXPUNCTION OF FAILURE TO ATTEND SCHOOL
2-11 RECORDS. (a) In this article, "truancy offense" means an offense
2-12 committed under the former Section 25.094, Education Code.

2-13 (b) An individual who has been convicted of a truancy
2-14 offense or has had a complaint for a truancy offense dismissed is
2-15 entitled to have the conviction or complaint and records relating
2-16 to the conviction or complaint expunged.

2-17 (c) Regardless of whether the individual has filed a
2-18 petition for expunction, the court in which the individual was
2-19 convicted or a complaint for a truancy offense was filed shall order
2-20 the conviction, complaints, verdicts, sentences, and other
2-21 documents relating to the offense, including any documents in the
2-22 possession of a school district or law enforcement agency, to be
2-23 expunged from the individual's record. After entry of the order,
2-24 the individual is released from all disabilities resulting from the
2-25 conviction or complaint, and the conviction or complaint may not be
2-26 shown or made known for any purpose. The court shall inform the
2-27 individual of the expunction by sending a notice to the
2-28 individual's last known address.

2-29 SECTION 4. Article 45.056(a), Code of Criminal Procedure,
2-30 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of
2-31 the 83rd Legislature, Regular Session, 2013, is reenacted and
2-32 amended to read as follows:

2-33 (a) On approval of the commissioners court, city council,
2-34 school district board of trustees, juvenile board, or other
2-35 appropriate authority, a county court, justice court, municipal
2-36 court, school district, juvenile probation department, or other
2-37 appropriate governmental entity may:

2-38 (1) employ a case manager to provide services in cases
2-39 involving juvenile offenders who are before a court consistent with
2-40 the court's statutory powers or referred to a court by a school
2-41 administrator or designee for misconduct that would otherwise be
2-42 within the court's statutory powers prior to a case being filed,
2-43 with the consent of the juvenile and the juvenile's parents or
2-44 guardians;

2-45 (2) employ one or more juvenile case managers who:
2-46 (A) shall assist the court in administering the
2-47 court's juvenile docket and in supervising the court's orders in
2-48 juvenile cases; and

2-49 (B) may provide:
2-50 (i) prevention services to a child
2-51 considered at risk of entering the juvenile justice system; and
2-52 (ii) intervention services to juveniles
2-53 engaged in misconduct before cases are filed, excluding traffic
2-54 offenses; or

2-55 (3) agree in accordance with Chapter 791, Government
2-56 Code, with any appropriate governmental entity to jointly employ a
2-57 case manager or to jointly contribute to the costs of a case manager
2-58 employed by one governmental entity to provide services described
2-59 by Subdivisions (1) and (2).

2-60 SECTION 5. Article 102.014(d), Code of Criminal Procedure,
2-61 is amended to read as follows:

2-62 (d) A person convicted of an offense under Section 25.093
2-63 [or 25.094], Education Code, shall pay as taxable court costs \$20 in
2-64 addition to other taxable court costs. The additional court costs
2-65 under this subsection shall be collected in the same manner that
2-66 other fines and taxable court costs in the case are collected.

2-67 SECTION 6. (a) Section 7.111(a), Education Code, as
2-68 amended by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of
2-69 the 83rd Legislature, Regular Session, 2013, is reenacted to read

3-1 as follows:

3-2 (a) The board shall provide for the administration of high

3-3 school equivalency examinations.

3-4 (b) Section 7.111(a-1), Education Code, is amended to

3-5 conform to the amendment of Section 7.111(a), Education Code, by

3-6 Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular

3-7 Session, 2013, and is further amended to read as follows:

3-8 (a-1) A person who does not have a high school diploma may

3-9 take the examination in accordance with rules adopted by the board

3-10 if the person is:

3-11 (1) over 17 years of age;

3-12 (2) 16 years of age or older and:

3-13 (A) is enrolled in a Job Corps training program

3-14 under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801

3-15 et seq.), and its subsequent amendments;

3-16 (B) a public agency providing supervision of the

3-17 person or having custody of the person under a court order

3-18 recommends that the person take the examination; or

3-19 (C) is enrolled in the Texas Military

3-20 Department's [~~adjutant general's department's~~] Seaborne Challenge

3-21 Corps; or

3-22 (3) required to take the examination under a court

3-23 order issued under Section 65.103(a)(3), Family Code.

3-24 SECTION 7. Section 25.085, Education Code, is amended by

3-25 amending Subsections (b), (e), and (f) and adding Subsections (g)

3-26 and (h) to read as follows:

3-27 (b) Unless specifically exempted by Section 25.086, a child

3-28 who is at least six years of age, or who is younger than six years of

3-29 age and has previously been enrolled in first grade, and who has not

3-30 yet reached the child's 19th [~~18th~~] birthday shall attend school.

3-31 (e) A person who voluntarily enrolls in school or

3-32 voluntarily attends school after the person's 19th [~~18th~~] birthday

3-33 shall attend school each school day for the entire period the

3-34 program of instruction is offered. A school district may revoke for

3-35 the remainder of the school year the enrollment of a person who has

3-36 more than five absences in a semester that are not excused under

3-37 Section 25.087, except a school district may not revoke the

3-38 enrollment of a person under this subsection on a day on which the

3-39 person is physically present at school. A person whose enrollment

3-40 is revoked under this subsection may be considered an unauthorized

3-41 person on school district grounds for purposes of Section 37.107.

3-42 (f) The board of trustees of a school district may adopt a

3-43 policy requiring a person described by Subsection (e) who is under

3-44 21 years of age to attend school until the end of the school year.

3-45 Section 65.003(a), Family Code, does not apply [~~25.094 applies~~] to

3-46 a person subject to a policy adopted under this subsection.

3-47 Sections 25.093 and 25.095 do not apply to the parent of a person

3-48 subject to a policy adopted under this subsection.

3-49 (g) After the third unexcused absence of a person described

3-50 by Subsection (e), a school district shall issue a warning letter to

3-51 the person that states the person's enrollment may be revoked for

3-52 the remainder of the school year if the person has more than five

3-53 unexcused absences in a semester.

3-54 (h) As an alternative to revoking a person's enrollment

3-55 under Subsection (e), a school district may impose a behavior

3-56 improvement plan described by Section 25.0915(a-1)(1).

3-57 SECTION 8. Sections 25.091(a) and (b), Education Code, are

3-58 amended to read as follows:

3-59 (a) A peace officer serving as an attendance officer has the

3-60 following powers and duties concerning enforcement of compulsory

3-61 school attendance requirements:

3-62 (1) to investigate each case of a violation of

3-63 compulsory school attendance requirements referred to the peace

3-64 officer;

3-65 (2) to enforce compulsory school attendance

3-66 requirements by:

3-67 (A) applying truancy prevention measures adopted

3-68 under Section 25.0915 to the student; and

3-69 (B) if the truancy prevention measures fail to

4-1 meaningfully address the student's conduct:

4-2 (i) referring the student to a truancy

4-3 court [~~juvenile court or filing a complaint against the student in a~~

4-4 ~~county, justice, or municipal court~~] if the student has unexcused

4-5 absences for the amount of time specified under Section 65.003(a)

4-6 [~~25.094 or under Section 51.03(b)(2)~~], Family Code; or

4-7 (ii) filing a complaint in a county,

4-8 justice, or municipal court against a parent who violates Section

4-9 25.093;

4-10 (3) to serve court-ordered legal process;

4-11 (4) to review school attendance records for compliance

4-12 by each student investigated by the officer;

4-13 (5) to maintain an investigative record on each

4-14 compulsory school attendance requirement violation and related

4-15 court action and, at the request of a court, the board of trustees

4-16 of a school district, or the commissioner, to provide a record to

4-17 the individual or entity requesting the record; and

4-18 (6) to make a home visit or otherwise contact the

4-19 parent of a student who is in violation of compulsory school

4-20 attendance requirements, except that a peace officer may not enter

4-21 a residence without the permission of the parent of a student

4-22 required under this subchapter to attend school or of the tenant or

4-23 owner of the residence except to lawfully serve court-ordered legal

4-24 process on the parent [~~and~~

4-25 [~~(7) to take a student into custody with the~~

4-26 ~~permission of the student's parent or in obedience to a~~

4-27 ~~court-ordered legal process~~].

4-28 (b) An attendance officer employed by a school district who

4-29 is not commissioned as a peace officer has the following powers and

4-30 duties with respect to enforcement of compulsory school attendance

4-31 requirements:

4-32 (1) to investigate each case of a violation of the

4-33 compulsory school attendance requirements referred to the

4-34 attendance officer;

4-35 (2) to enforce compulsory school attendance

4-36 requirements by:

4-37 (A) applying truancy prevention measures adopted

4-38 under Section 25.0915 to the student; and

4-39 (B) if the truancy prevention measures fail to

4-40 meaningfully address the student's conduct:

4-41 (i) referring the student to a truancy

4-42 court [~~juvenile court or filing a complaint against the student in a~~

4-43 ~~county, justice, or municipal court~~] if the student has unexcused

4-44 absences for the amount of time specified under Section 65.003(a)

4-45 [~~25.094 or under Section 51.03(b)(2)~~], Family Code; and

4-46 (ii) filing a complaint in a county,

4-47 justice, or municipal court against a parent who violates Section

4-48 25.093;

4-49 (3) to monitor school attendance compliance by each

4-50 student investigated by the officer;

4-51 (4) to maintain an investigative record on each

4-52 compulsory school attendance requirement violation and related

4-53 court action and, at the request of a court, the board of trustees

4-54 of a school district, or the commissioner, to provide a record to

4-55 the individual or entity requesting the record;

4-56 (5) to make a home visit or otherwise contact the

4-57 parent of a student who is in violation of compulsory school

4-58 attendance requirements, except that the attendance officer may not

4-59 enter a residence without permission of the parent or of the owner

4-60 or tenant of the residence; and

4-61 (6) at the request of a parent, to escort a student

4-62 from any location to a school campus to ensure the student's

4-63 compliance with compulsory school attendance requirements [~~and~~

4-64 [~~(7) if the attendance officer has or is informed of a~~

4-65 ~~court-ordered legal process directing that a student be taken into~~

4-66 ~~custody and the school district employing the officer does not~~

4-67 ~~employ its own police department, to contact the sheriff,~~

4-68 ~~constable, or any peace officer to request that the student be taken~~

4-69 ~~into custody and processed according to the legal process~~].

5-1 SECTION 9. Section 25.0915, Education Code, is amended to
 5-2 read as follows:

5-3 Sec. 25.0915. TRUANCY PREVENTION MEASURES [~~REFERRAL AND~~
 5-4 ~~FILING REQUIREMENT~~]. (a) A school district shall adopt truancy
 5-5 prevention measures designed to:

5-6 (1) address student conduct related to truancy in the
 5-7 school setting before the student engages in conduct described by
 5-8 Section 65.003(a), Family Code; and

5-9 (2) minimize the need for referrals to truancy
 5-10 [juvenile] court for conduct described by Section 65.003(a)
 5-11 [51.03(b)(2)], Family Code[~~and~~

5-12 [~~(3) minimize the filing of complaints in county,~~
 5-13 ~~justice, and municipal courts alleging a violation of Section~~
 5-14 ~~25.094].~~

5-15 (a-1) As a truancy prevention measure under Subsection (a),
 5-16 a school district shall take one or more of the following actions:

5-17 (1) impose:

5-18 (A) a behavior improvement plan on the student
 5-19 that must be signed by an employee of the school, that the school
 5-20 district has made a good faith effort to have signed by the student
 5-21 and the student's parent or guardian, and that includes:

5-22 (i) a specific description of the behavior
 5-23 that is required or prohibited for the student;

5-24 (ii) the period for which the plan will be
 5-25 effective, not to exceed 45 school days after the date the contract
 5-26 becomes effective; or

5-27 (iii) the penalties for additional
 5-28 absences, including additional disciplinary action or the referral
 5-29 of the student to a truancy court; or

5-30 (B) school-based community service; or

5-31 (2) refer the student to counseling, mediation,
 5-32 mentoring, a teen court program, community-based services, or other
 5-33 in-school or out-of-school services aimed at addressing the
 5-34 student's truancy.

5-35 (a-2) A referral made under Subsection (a-1)(2) may include
 5-36 participation by the child's parent or guardian if necessary.

5-37 (a-3) A school district shall offer additional counseling
 5-38 to a student and may not refer the student to truancy court if the
 5-39 school determines that the student's truancy is the result of:

5-40 (1) pregnancy;

5-41 (2) being in the state foster program;

5-42 (3) homelessness; or

5-43 (4) being the principal income earner for the
 5-44 student's family.

5-45 (a-4) If a student fails to attend school without excuse on
 5-46 three or more days or parts of days within a four-week period but
 5-47 does not fail to attend school for the time described by Section
 5-48 25.0951(a), the school district shall initiate truancy prevention
 5-49 measures under this section on the student.

5-50 (b) Each referral to truancy [juvenile] court for conduct
 5-51 described by Section 65.003(a) [51.03(b)(2)], Family Code, [~~or~~
 5-52 complaint filed in county, justice, or municipal court alleging a
 5-53 violation by a student of Section 25.094] must:

5-54 (1) be accompanied by a statement from the student's
 5-55 school certifying that:

5-56 (A) the school applied the truancy prevention
 5-57 measures adopted under Subsection (a) or (a-4) to the student; and

5-58 (B) the truancy prevention measures failed to
 5-59 meaningfully address the student's school attendance; and

5-60 (2) specify whether the student is eligible for or
 5-61 receives special education services under Subchapter A, Chapter 29.

5-62 (c) A truancy court shall dismiss a petition filed by a
 5-63 truancy prosecutor under Section 65.054, Family Code, if the
 5-64 court determines that the school district's referral:

5-65 (1) does [complaint or referral made by a school
 5-66 district under this section that is] not comply [made in
 5-67 compliance] with Subsection (b);

5-68 (2) does not satisfy the elements required for truant
 5-69 conduct;

6-1 (3) is not timely filed, unless the school district
6-2 delayed the referral under Section 25.0951(d); or
6-3 (4) is otherwise substantively defective.

6-4 (d) Except as provided by Subsection (e), a school district
6-5 shall employ a truancy prevention facilitator or juvenile case
6-6 manager to implement the truancy prevention measures required by
6-7 this section and any other effective truancy prevention measures as
6-8 determined by the school district or campus. At least annually, the
6-9 truancy prevention facilitator shall meet to discuss effective
6-10 truancy prevention measures with a case manager or other individual
6-11 designated by a truancy court to provide services to students of the
6-12 school district in truancy cases.

6-13 (e) Instead of employing a truancy prevention facilitator,
6-14 a school district may designate an existing district employee or
6-15 juvenile case manager to implement the truancy prevention measures
6-16 required by this section and any other effective truancy prevention
6-17 measures as determined by the school district or campus.

6-18 (f) The agency shall adopt rules:

6-19 (1) creating minimum standards for truancy prevention
6-20 measures adopted by a school district under this section; and

6-21 (2) establishing a set of best practices for truancy
6-22 prevention measures.

6-23 (g) The agency shall adopt rules to provide for sanctions
6-24 for a school district found to be not in compliance with this
6-25 section.

6-26 SECTION 10. Section 25.0916, Education Code, is amended by
6-27 amending Subsections (a), (c), (f), (h), and (i) and adding
6-28 Subsection (c-1) to read as follows:

6-29 (a) This section applies only to a county with two or more
6-30 courts hearing truancy cases and two or more school districts[+
6-31 [with a population greater than 1.5 million; and
6-32 [that includes at least:

6-33 [(A) 15 school districts with the majority of
6-34 district territory in the county; and
6-35 [(B) one school district with a student
6-36 enrollment of 50,000 or more and an annual dropout rate spanning
6-37 grades 9-12 of at least five percent, computed in accordance with
6-38 standards and definitions adopted by the National Center for
6-39 Education Statistics of the United States Department of Education].

6-40 (c) Unless the county has already adopted a uniform truancy
6-41 policy under this section, not [Not] later than January [September]
6-42 1, 2016 [2013], the county judge or the county judge's designee and
6-43 the mayor of the municipality in the county with the greatest
6-44 population or the mayor's designee shall each appoint one member to
6-45 serve on the committee as a representative of each of the following:

6-46 (1) a juvenile [district] court;
6-47 (2) a municipal court;
6-48 (3) the office of a justice of the peace;
6-49 (4) the superintendent or designee of an independent
6-50 school district;

6-51 (5) an open-enrollment charter school, if one exists
6-52 in the county;

6-53 (6) the office of the prosecutor with original truancy
6-54 jurisdiction in the county [district attorney]; and

6-55 (7) the general public.

6-56 (c-1) In addition to the members listed in Subsection (c),
6-57 the chief juvenile probation officer or the officer's designee
6-58 serves on the committee. The county judge or the county judge's
6-59 designee and the mayor of the municipality in the county with the
6-60 greatest population or the mayor's designee may make additional
6-61 appointments as needed.

6-62 (f) Unless a county has already adopted a uniform truancy
6-63 policy under this section, not [Not] later than May [September] 1,
6-64 2016 [2014], the committee shall recommend:

6-65 (1) a uniform process for filing truancy cases with
6-66 truancy courts [the judicial system];

6-67 (2) uniform administrative procedures;

6-68 (3) uniform deadlines for processing truancy cases;

6-69 (4) a local plan with strategies to address truancy,

7-1 including effective prevention, intervention, and diversion
7-2 methods to reduce truancy and referrals to a truancy [~~county,~~
7-3 ~~justice, or municipal~~] court;

7-4 (5) a system for tracking truancy information and
7-5 sharing truancy information among school districts, [~~and~~]
7-6 open-enrollment charter schools, truancy courts, juvenile courts,
7-7 and juvenile probation departments in the county; and

7-8 (6) any changes to statutes or state agency rules the
7-9 committee determines are necessary to address truancy.

7-10 (h) The committee's presiding officer shall issue a report
7-11 not later than December 1, 2017 [~~2015~~], to the county judge and
7-12 mayor of the municipality with the greatest population in the
7-13 county on the implementation of the recommendations and compliance
7-14 with state truancy laws by a school district located in the county.

7-15 (i) This section expires January 1, 2018 [~~2016~~].

7-16 SECTION 11. Section 25.093, Education Code, is amended by
7-17 amending Subsections (a) and (c) and adding Subsection (c-1) to
7-18 read as follows:

7-19 (a) If a warning is issued as required by Section 25.095(a),
7-20 the parent with criminal negligence fails to require the child to
7-21 attend school as required by law, and the child has absences for the
7-22 amount of time specified under Section 65.003(a), Family Code
7-23 [~~25.094~~], the parent commits an offense.

7-24 (c) An offense under Subsection (a) is a [~~Class C~~]
7-25 misdemeanor, punishable by fine only, in an amount not to exceed:

- 7-26 (1) \$100 for a first offense;
- 7-27 (2) \$200 for a second offense;
- 7-28 (3) \$300 for a third offense;
- 7-29 (4) \$400 for a fourth offense; or
- 7-30 (5) \$500 for a fifth or subsequent offense.

7-31 (c-1) Each day the child remains out of school may
7-32 constitute a separate offense. Two or more offenses under
7-33 Subsection (a) may be consolidated and prosecuted in a single
7-34 action. If the court orders deferred disposition under Article
7-35 45.051, Code of Criminal Procedure, the court may require the
7-36 defendant to provide personal services to a charitable or
7-37 educational institution as a condition of the deferral.

7-38 SECTION 12. Sections 25.095(a), (b), and (c), Education
7-39 Code, are amended to read as follows:

7-40 (a) A school district or open-enrollment charter school
7-41 shall notify a student's parent in writing at the beginning of the
7-42 school year that if the student is absent from school on 10 or more
7-43 days or parts of days within a six-month period in the same school
7-44 year [~~or on three or more days or parts of days within a four-week~~
7-45 ~~period~~]:

7-46 (1) the student's parent is subject to prosecution
7-47 under Section 25.093; and

7-48 (2) the student is subject to [~~prosecution under~~
7-49 ~~Section 25.094 or to~~] referral to a truancy [~~juvenile~~] court [~~in a~~
7-50 ~~county with a population of less than 100,000~~] for truant conduct
7-51 under Section 65.003(a), Family Code [~~that violates that section~~].

7-52 (b) A school district shall notify a student's parent if the
7-53 student has been absent from school, without excuse under Section
7-54 25.087, on three days or parts of days within a four-week period.
7-55 The notice must:

7-56 (1) inform the parent that:

7-57 (A) it is the parent's duty to monitor the
7-58 student's school attendance and require the student to attend
7-59 school; and

7-60 (B) the student [~~parent~~] is subject to truancy
7-61 prevention measures [~~prosecution~~] under Section 25.0915 [~~25.093~~];
7-62 and

7-63 (2) request a conference between school officials and
7-64 the parent to discuss the absences.

7-65 (c) The fact that a parent did not receive a notice under
7-66 Subsection (a) or (b) does not create a defense [~~to prosecution~~]
7-67 under Section 25.093 or under Section 65.003(a), Family Code
7-68 [~~25.094~~].

7-69 SECTION 13. Section 25.0951, Education Code, is amended to

8-1 read as follows:

8-2 Sec. 25.0951. SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR
 8-3 FAILURE TO ATTEND SCHOOL. (a) If a student fails to attend school
 8-4 without excuse on 10 or more days or parts of days within a
 8-5 six-month period in the same school year, a school district shall
 8-6 within 10 school days of the student's 10th absence[+]

8-7 ~~[(1) file a complaint against the student or the~~
 8-8 ~~student's parent or both in a county, justice, or municipal court~~
 8-9 ~~for an offense under Section 25.093 or 25.094, as appropriate, or~~
 8-10 ~~refer the student to a juvenile court in a county with a population~~
 8-11 ~~of less than 100,000 for conduct that violates Section 25.094; or~~

8-12 ~~[(2)] refer the student to a truancy [juvenile] court~~
 8-13 ~~for truant conduct [indicating a need for supervision] under~~
 8-14 ~~Section 65.003(a) [51.03(b)(2)], Family Code.~~

8-15 (b) If a student fails to attend school without excuse as
 8-16 specified by Subsection (a), a school district may file a complaint
 8-17 against the student's parent in a county, justice, or municipal
 8-18 court for an offense under Section 25.093 if the school district
 8-19 provides evidence of the parent's criminal negligence [If a student
 8-20 fails to attend school without excuse on three or more days or parts
 8-21 of days within a four-week period but does not fail to attend school
 8-22 for the time described by Subsection (a), the school district may:

8-23 ~~[(1) file a complaint against the student or the~~
 8-24 ~~student's parent or both in a county, justice, or municipal court~~
 8-25 ~~for an offense under Section 25.093 or 25.094, as appropriate, or~~
 8-26 ~~refer the student to a juvenile court in a county with a population~~
 8-27 ~~of less than 100,000 for conduct that violates Section 25.094; or~~

8-28 ~~[(2) refer the student to a juvenile court for conduct~~
 8-29 ~~indicating a need for supervision under Section 51.03(b)(2), Family~~
 8-30 ~~Code].~~

8-31 ~~[(c)]~~ In this subsection ~~[section]~~, "parent" includes a
 8-32 person standing in parental relation.

8-33 (c) ~~[(d)]~~ A court shall dismiss a complaint ~~[or referral]~~
 8-34 made by a school district under Subsection (b) ~~[under this section]~~
 8-35 that:

8-36 (1) does [is] not comply [made in compliance] with
 8-37 this section;

8-38 (2) does not allege the elements required for the
 8-39 offense;

8-40 (3) is not timely filed, unless the school district
 8-41 delayed the referral under Subsection (d); or

8-42 (4) is otherwise substantively defective.

8-43 (d) Notwithstanding Subsection (a), a school district may
 8-44 delay a referral of a student for truant conduct, or may choose to
 8-45 not refer a student for truant conduct, if the school district:

8-46 (1) is applying truancy prevention measures to the
 8-47 student under Section 25.0915; and

8-48 (2) determines that the truancy prevention measures
 8-49 are succeeding and it is in the best interest of the student that a
 8-50 referral be delayed or not be made.

8-51 SECTION 14. Section 25.0952, Education Code, is amended to
 8-52 read as follows:

8-53 Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING
 8-54 TO NONATTENDANCE OFFENSE [SCHOOL ATTENDANCE-RELATED OFFENSES]. In
 8-55 a proceeding based on a complaint under Section 25.093 ~~[or 25.094]~~,
 8-56 the court shall, except as otherwise provided by this chapter, use
 8-57 the procedures and exercise the powers authorized by Chapter 45,
 8-58 Code of Criminal Procedure.

8-59 SECTION 15. Section 29.087(d), Education Code, is amended
 8-60 to read as follows:

8-61 (d) A student is eligible to participate in a program
 8-62 authorized by this section if:

8-63 (1) the student has been ordered by a court under
 8-64 Section 65.103, Family Code [Article 45.054, Code of Criminal
 8-65 Procedure, as added by Chapter 1514, Acts of the 77th Legislature,
 8-66 Regular Session, 2001], or by the Texas Juvenile Justice Department
 8-67 [Youth Commission] to:

8-68 (A) participate in a preparatory class for the
 8-69 high school equivalency examination; or

9-1 (B) take the high school equivalency examination
 9-2 administered under Section 7.111; or
 9-3 (2) the following conditions are satisfied:
 9-4 (A) the student is at least 16 years of age at the
 9-5 beginning of the school year or semester;
 9-6 (B) the student is a student at risk of dropping
 9-7 out of school, as defined by Section 29.081;
 9-8 (C) the student and the student's parent or
 9-9 guardian agree in writing to the student's participation;
 9-10 (D) at least two school years have elapsed since
 9-11 the student first enrolled in ninth grade and the student has
 9-12 accumulated less than one third of the credits required to graduate
 9-13 under the minimum graduation requirements of the district or
 9-14 school; and
 9-15 (E) any other conditions specified by the
 9-16 commissioner.

9-17 SECTION 16. Section 33.051(2), Education Code, is amended
 9-18 to read as follows:

9-19 (2) "Missing child" means a child whose whereabouts
 9-20 are unknown to the legal custodian of the child and:

9-21 (A) the circumstances of whose absence indicate
 9-22 that the child did not voluntarily leave the care and control of the
 9-23 custodian and that the taking of the child was not authorized by
 9-24 law; or

9-25 (B) the child has engaged in conduct indicating a
 9-26 need for supervision under Section 51.03(b)(2) [~~51.03(b)(3)~~],
 9-27 Family Code.

9-28 SECTION 17. Section 51.02(15), Family Code, is amended to
 9-29 read as follows:

9-30 (15) "Status offender" means a child who is accused,
 9-31 adjudicated, or convicted for conduct that would not, under state
 9-32 law, be a crime if committed by an adult, including:

9-33 (A) [~~truancy under Section 51.03(b)(2)~~,
 9-34 [~~(B)~~] running away from home under Section
 9-35 51.03(b)(2) [~~51.03(b)(3)~~];

9-36 (B) [~~(C)~~] a fineable only offense under Section
 9-37 51.03(b)(1) transferred to the juvenile court under Section
 9-38 51.08(b), but only if the conduct constituting the offense would
 9-39 not have been criminal if engaged in by an adult;

9-40 [~~(D) failure to attend school under Section
 9-41 25.094, Education Code~~];

9-42 (C) [~~(E)~~] a violation of standards of student
 9-43 conduct as described by Section 51.03(b)(4) [~~51.03(b)(5)~~];

9-44 (D) [~~(F)~~] a violation of a juvenile curfew
 9-45 ordinance or order;

9-46 (E) [~~(G)~~] a violation of a provision of the
 9-47 Alcoholic Beverage Code applicable to minors only; or

9-48 (F) [~~(H)~~] a violation of any other fineable only
 9-49 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
 9-50 conduct constituting the offense would not have been criminal if
 9-51 engaged in by an adult.

9-52 SECTION 18. Sections 51.03(a), (b), (e), and (f), Family
 9-53 Code, are amended to read as follows:

9-54 (a) Delinquent conduct is:

9-55 (1) conduct, other than a traffic offense, that
 9-56 violates a penal law of this state or of the United States
 9-57 punishable by imprisonment or by confinement in jail;

9-58 (2) conduct that violates a lawful order of a court
 9-59 under circumstances that would constitute contempt of that court
 9-60 in:

9-61 (A) a justice or municipal court; [~~or~~]

9-62 (B) a county court for conduct punishable only by
 9-63 a fine; or

9-64 (C) a truancy court;

9-65 (3) conduct that violates Section 49.04, 49.05, 49.06,
 9-66 49.07, or 49.08, Penal Code; or

9-67 (4) conduct that violates Section 106.041, Alcoholic
 9-68 Beverage Code, relating to driving under the influence of alcohol
 9-69 by a minor (third or subsequent offense).

(b) Conduct indicating a need for supervision is:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 19. Section 51.13(e), Family Code, is amended to read as follows:

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

SECTION 20. Section 54.0404(a), Family Code, is amended to read as follows:

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

SECTION 21. Section 54.05(b), Family Code, is amended to read as follows:

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

SECTION 22. Section 58.0022, Family Code, is amended to read as follows:

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

11-1 records or photographs of the child.

11-2 SECTION 23. Section 58.003(c-3), Family Code, is amended to
11-3 read as follows:

11-4 (c-3) Notwithstanding Subsections (a) and (c) and subject
11-5 to Subsection (b), a juvenile court, on the court's own motion and
11-6 without a hearing, shall order the sealing of records concerning a
11-7 child found to have engaged in conduct indicating a need for
11-8 supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~] or
11-9 taken into custody to determine whether the child engaged in
11-10 conduct indicating a need for supervision described by Section
11-11 51.03(b)(6) [~~51.03(b)(7)~~]. This subsection applies only to
11-12 records related to conduct indicating a need for supervision
11-13 described by Section 51.03(b)(6) [~~51.03(b)(7)~~].

11-14 SECTION 24. Section 58.106(a), Family Code, is amended to
11-15 read as follows:

11-16 (a) Except as otherwise provided by this section,
11-17 information contained in the juvenile justice information system is
11-18 confidential information for the use of the department and may not
11-19 be disseminated by the department except:

11-20 (1) with the permission of the juvenile offender, to
11-21 military personnel of this state or the United States;

11-22 (2) to a person or entity to which the department may
11-23 grant access to adult criminal history records as provided by
11-24 Section 411.083, Government Code;

11-25 (3) to a juvenile justice agency;

11-26 (4) to the Texas Juvenile Justice Department [~~Youth
11-27 Commission and the Texas Juvenile Probation Commission~~] for
11-28 analytical purposes;

11-29 (5) to the office of independent ombudsman of the
11-30 Texas Juvenile Justice Department [~~Youth Commission~~]; and

11-31 (6) to a county, justice, or municipal court
11-32 exercising jurisdiction over a juvenile[, ~~including a court
11-33 exercising jurisdiction over a juvenile under Section 54.021~~].

11-34 SECTION 25. Section 59.003(a), Family Code, is amended to
11-35 read as follows:

11-36 (a) Subject to Subsection (e), after a child's first
11-37 commission of delinquent conduct or conduct indicating a need for
11-38 supervision, the probation department or prosecuting attorney may,
11-39 or the juvenile court may, in a disposition hearing under Section
11-40 54.04 or a modification hearing under Section 54.05, assign a child
11-41 one of the following sanction levels according to the child's
11-42 conduct:

11-43 (1) for conduct indicating a need for supervision,
11-44 other than conduct described in Section 51.03(b)(3) or (4)
11-45 [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction
11-46 level is one;

11-47 (2) for conduct indicating a need for supervision
11-48 under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A
11-49 or B misdemeanor, other than a misdemeanor involving the use or
11-50 possession of a firearm, or for delinquent conduct under Section
11-51 51.03(a)(2), the sanction level is two;

11-52 (3) for a misdemeanor involving the use or possession
11-53 of a firearm or for a state jail felony or a felony of the third
11-54 degree, the sanction level is three;

11-55 (4) for a felony of the second degree, the sanction
11-56 level is four;

11-57 (5) for a felony of the first degree, other than a
11-58 felony involving the use of a deadly weapon or causing serious
11-59 bodily injury, the sanction level is five;

11-60 (6) for a felony of the first degree involving the use
11-61 of a deadly weapon or causing serious bodily injury, for an
11-62 aggravated controlled substance felony, or for a capital felony,
11-63 the sanction level is six; or

11-64 (7) for a felony of the first degree involving the use
11-65 of a deadly weapon or causing serious bodily injury, for an
11-66 aggravated controlled substance felony, or for a capital felony, if
11-67 the petition has been approved by a grand jury under Section 53.045,
11-68 or if a petition to transfer the child to criminal court has been
11-69 filed under Section 54.02, the sanction level is seven.

12-1 SECTION 26. Section 61.002(a), Family Code, is amended to
12-2 read as follows:

12-3 (a) Except as provided by Subsection (b), this chapter
12-4 applies to a proceeding to enter a juvenile court order:

12-5 (1) for payment of probation fees under Section
12-6 54.061;

12-7 (2) for restitution under Sections 54.041(b) and
12-8 54.048;

12-9 (3) for payment of graffiti eradication fees under
12-10 Section 54.0461;

12-11 (4) for community service under Section 54.044(b);

12-12 (5) for payment of costs of court under Section
12-13 54.0411 or other provisions of law;

12-14 (6) requiring the person to refrain from doing any act
12-15 injurious to the welfare of the child under Section 54.041(a)(1);

12-16 (7) enjoining contact between the person and the child
12-17 who is the subject of a proceeding under Section 54.041(a)(2);

12-18 (8) ordering a person living in the same household
12-19 with the child to participate in counseling under Section
12-20 54.041(a)(3);

12-21 (9) ~~[requiring a parent or guardian of a child found to~~
12-22 ~~be truant to participate in an available program addressing truancy~~
12-23 ~~under Section 54.041(f);~~

12-24 ~~[(10)]~~ requiring a parent or other eligible person to
12-25 pay reasonable attorney's fees for representing the child under
12-26 Section 51.10(e);

12-27 (10) ~~[(11)]~~ requiring the parent or other eligible
12-28 person to reimburse the county for payments the county has made to
12-29 an attorney appointed to represent the child under Section
12-30 51.10(j);

12-31 (11) ~~[(12)]~~ requiring payment of deferred prosecution
12-32 supervision fees under Section 53.03(d);

12-33 (12) ~~[(13)]~~ requiring a parent or other eligible
12-34 person to attend a court hearing under Section 51.115;

12-35 (13) ~~[(14)]~~ requiring a parent or other eligible
12-36 person to act or refrain from acting to aid the child in complying
12-37 with conditions of release from detention under Section 54.01(r);

12-38 (14) ~~[(15)]~~ requiring a parent or other eligible
12-39 person to act or refrain from acting under any law imposing an
12-40 obligation of action or omission on a parent or other eligible
12-41 person because of the parent's or person's relation to the child who
12-42 is the subject of a proceeding under this title;

12-43 (15) ~~[(16)]~~ for payment of fees under Section 54.0462;
12-44 or

12-45 (16) ~~[(17)]~~ for payment of the cost of attending an
12-46 educational program under Section 54.0404.

12-47 SECTION 27. The Family Code is amended by adding Title 3A to
12-48 read as follows:

12-49 TITLE 3A. TRUANCY COURT PROCEEDINGS
12-50 CHAPTER 65. TRUANCY COURT PROCEEDINGS
12-51 SUBCHAPTER A. GENERAL PROVISIONS

12-52 Sec. 65.001. SCOPE AND PURPOSE. (a) This chapter details
12-53 the procedures and proceedings in cases involving allegations of
12-54 truant conduct.

12-55 (b) The purpose of this chapter is to encourage school
12-56 attendance by creating simple civil judicial procedures through
12-57 which children are held accountable for excessive school absences.

12-58 (c) The best interest of the child is the primary
12-59 consideration in adjudicating truant conduct of the child.

12-60 Sec. 65.002. DEFINITIONS. In this chapter:

12-61 (1) "Child" means a person who is 12 years of age or
12-62 older and younger than 19 years of age.

12-63 (2) "Juvenile court" means a court designated under
12-64 Section 51.04 to exercise jurisdiction over proceedings under Title
12-65 3.

12-66 (3) "Qualified telephone interpreter" means a
12-67 telephone service that employs licensed court interpreters, as
12-68 defined by Section 157.001, Government Code.

12-69 (4) "Truancy court" means a court designated under

13-1 Section 65.004 to exercise jurisdiction over cases involving
 13-2 allegations of truant conduct.

13-3 Sec. 65.003. TRUANT CONDUCT. (a) A child engages in
 13-4 truant conduct if the child is required to attend school under
 13-5 Section 25.085, Education Code, and fails to attend school on 10 or
 13-6 more days or parts of days within a six-month period in the same
 13-7 school year.

13-8 (b) Truant conduct may be prosecuted only as a civil case in
 13-9 a truancy court.

13-10 (c) It is an affirmative defense to an allegation of truant
 13-11 conduct that one or more of the absences required to be proven have
 13-12 been excused by a school official or by the court or that one or more
 13-13 of the absences were involuntary, but only if there is an
 13-14 insufficient number of unexcused or voluntary absences remaining to
 13-15 constitute truant conduct. The burden is on the child to show by a
 13-16 preponderance of the evidence that the absence has been or should be
 13-17 excused or that the absence was involuntary. A decision by the
 13-18 court to excuse an absence for purposes of this subsection does not
 13-19 affect the ability of the school district to determine whether to
 13-20 excuse the absence for another purpose.

13-21 Sec. 65.004. TRUANCY COURTS; JURISDICTION. (a) The
 13-22 following are designated as truancy courts:

13-23 (1) in a county with a population of 1.75 million or
 13-24 more, the constitutional county court;

13-25 (2) justice courts; and

13-26 (3) municipal courts.

13-27 (b) A truancy court has exclusive original jurisdiction
 13-28 over cases involving allegations of truant conduct.

13-29 (c) A municipality may enter into an agreement with a
 13-30 contiguous municipality or a municipality with boundaries that are
 13-31 within one-half mile of the municipality seeking to enter into the
 13-32 agreement to establish concurrent jurisdiction of the municipal
 13-33 courts in the municipalities and provide original jurisdiction to a
 13-34 municipal court in which a truancy case is brought as if the
 13-35 municipal court were located in the municipality in which the case
 13-36 arose.

13-37 (d) A truancy court retains jurisdiction over a person,
 13-38 without regard to the age of the person, who was referred to the
 13-39 court under Section 65.051 for engaging in truant conduct before
 13-40 the person's 19th birthday, until final disposition of the case.

13-41 Sec. 65.005. COURT SESSIONS. A truancy court is considered
 13-42 to be in session at all times.

13-43 Sec. 65.006. VENUE. Venue for a proceeding under this
 13-44 chapter is the county in which the school in which the child is
 13-45 enrolled is located or the county in which the child resides.

13-46 Sec. 65.007. RIGHT TO JURY TRIAL. (a) A child alleged to
 13-47 have engaged in truant conduct is entitled to a jury trial.

13-48 (b) The number of jurors in a case involving an allegation
 13-49 of truant conduct is six. The state and the child are each entitled
 13-50 to three peremptory challenges.

13-51 (c) There is no jury fee for a trial under this chapter.

13-52 Sec. 65.008. WAIVER OF RIGHTS. A right granted to a child
 13-53 by this chapter or by the constitution or laws of this state or the
 13-54 United States is waived in proceedings under this chapter if:

13-55 (1) the right is one that may be waived;

13-56 (2) the child and the child's parent or guardian are
 13-57 informed of the right, understand the right, understand the
 13-58 possible consequences of waiving the right, and understand that
 13-59 waiver of the right is not required;

13-60 (3) the child signs the waiver;

13-61 (4) the child's parent or guardian signs the waiver;

13-62 and

13-63 (5) the child's attorney signs the waiver, if the child
 13-64 is represented by counsel.

13-65 Sec. 65.009. EFFECT OF ADJUDICATION. (a) An adjudication
 13-66 of a child as having engaged in truant conduct is not a conviction
 13-67 of crime. An order of adjudication does not impose any civil
 13-68 disability ordinarily resulting from a conviction or operate to
 13-69 disqualify the child in any civil service application or

14-1 appointment.

14-2 (b) The adjudication of a child as having engaged in truant
 14-3 conduct may not be used in any subsequent court proceedings, other
 14-4 than for the purposes of determining an appropriate remedial action
 14-5 under this chapter or in an appeal under this chapter.

14-6 Sec. 65.010. BURDEN OF PROOF. A court or jury may not
 14-7 return a finding that a child has engaged in truant conduct unless
 14-8 the state has proved the conduct beyond a reasonable doubt.

14-9 Sec. 65.011. APPLICABLE STATUTES REGARDING DISCOVERY.
 14-10 Discovery in a proceeding under this chapter is governed by Chapter
 14-11 39, Code of Criminal Procedure, other than Articles 39.14(i) and
 14-12 (j).

14-13 Sec. 65.012. PROCEDURAL RULES. The supreme court may
 14-14 promulgate rules of procedure applicable to proceedings under this
 14-15 chapter, including guidelines applicable to the informal
 14-16 disposition of truancy cases.

14-17 Sec. 65.013. INTERPRETERS. (a) When on the motion for
 14-18 appointment of an interpreter by a party or on the motion of the
 14-19 court, in any proceeding under this chapter, the court determines
 14-20 that the child, the child's parent or guardian, or a witness does
 14-21 not understand and speak English, an interpreter must be sworn to
 14-22 interpret for the person. Articles 38.30(a), (b), and (c), Code of
 14-23 Criminal Procedure, apply in a proceeding under this chapter. A
 14-24 qualified telephone interpreter may be sworn to provide
 14-25 interpretation services if an interpreter is not available to
 14-26 appear in person before the court.

14-27 (b) In any proceeding under this chapter, if a party
 14-28 notifies the court that the child, the child's parent or guardian,
 14-29 or a witness is deaf, the court shall appoint a qualified
 14-30 interpreter to interpret the proceedings in any language, including
 14-31 sign language, that the deaf person can understand. Articles
 14-32 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a
 14-33 proceeding under this chapter.

14-34 Sec. 65.014. SIGNATURES. Any requirement under this
 14-35 chapter that a document be signed or that a document contain a
 14-36 person's signature, including the signature of a judge or a clerk of
 14-37 the court, is satisfied if the document contains the signature of
 14-38 the person as captured on an electronic device or as a digital
 14-39 signature.

14-40 Sec. 65.015. PUBLIC ACCESS TO COURT HEARINGS. (a) Except
 14-41 as provided by Subsection (b), a truancy court shall open a hearing
 14-42 under this chapter to the public unless the court, for good cause
 14-43 shown, determines that the public should be excluded.

14-44 (b) The court may prohibit a person from personally
 14-45 attending a hearing if the person is expected to testify at the
 14-46 hearing and the court determines that the person's testimony would
 14-47 be materially affected if the person hears other testimony at the
 14-48 hearing.

14-49 Sec. 65.016. RECORDING OF PROCEEDINGS. (a) The
 14-50 proceedings in a truancy court that is not a court of record may not
 14-51 be recorded.

14-52 (b) The proceedings in a truancy court that is a court of
 14-53 record must be recorded by stenographic notes or by electronic,
 14-54 mechanical, or other appropriate means.

14-55 Sec. 65.017. JUVENILE CASE MANAGERS. A truancy court may
 14-56 employ a juvenile case manager in accordance with Article 45.056,
 14-57 Code of Criminal Procedure, to provide services to children who
 14-58 have been referred to the truancy court or who are in jeopardy of
 14-59 being referred to the truancy court.

14-60 SUBCHAPTER B. INITIAL PROCEDURES

14-61 Sec. 65.051. INITIAL REFERRAL TO TRUANCY COURT. When a
 14-62 truancy court receives a referral under Section 25.0915, Education
 14-63 Code, and the court is not required to dismiss the referral under
 14-64 that section, the court shall forward the referral to a truant
 14-65 conduct prosecutor who serves the court.

14-66 Sec. 65.052. TRUANT CONDUCT PROSECUTOR. In a justice or
 14-67 municipal court or a constitutional county court that is designated
 14-68 as a truancy court, the attorney who represents the state in
 14-69 criminal matters in that court shall serve as the truant conduct

15-1 prosecutor.

15-2 Sec. 65.053. REVIEW BY PROSECUTOR. (a) The truant conduct
 15-3 prosecutor shall promptly review the facts described in a referral
 15-4 received under Section 65.051.

15-5 (b) The prosecutor may, in the prosecutor's discretion,
 15-6 determine whether to file a petition with the truancy court
 15-7 requesting an adjudication of the child for truant conduct. If the
 15-8 prosecutor decides not to file a petition requesting an
 15-9 adjudication, the prosecutor shall inform the truancy court and the
 15-10 school district of the decision.

15-11 (c) The prosecutor may not file a petition for an
 15-12 adjudication of a child for truant conduct if the referral was not
 15-13 made in compliance with Section 25.0915, Education Code.

15-14 Sec. 65.054. STATE'S PETITION. (a) A petition for an
 15-15 adjudication of a child for truant conduct initiates an action of
 15-16 the state against a child who has allegedly engaged in truant
 15-17 conduct.

15-18 (b) The proceedings shall be styled "In the matter of
 15-19 _____, Child," identifying the child by the child's
 15-20 initials only.

15-21 (c) The petition may be on information and belief.

15-22 (d) The petition must state:

15-23 (1) with reasonable particularity the time, place, and
 15-24 manner of the acts alleged to constitute truant conduct;

15-25 (2) the name, age, and residence address, if known, of
 15-26 the child who is the subject of the petition;

15-27 (3) the names and residence addresses, if known, of at
 15-28 least one parent, guardian, or custodian of the child and of the
 15-29 child's spouse, if any; and

15-30 (4) if the child's parent, guardian, or custodian does
 15-31 not reside or cannot be found in the state, or if their places of
 15-32 residence are unknown, the name and residence address of any known
 15-33 adult relative residing in the county or, if there is none, the name
 15-34 and residence address of the known adult relative residing nearest
 15-35 to the location of the court.

15-36 (e) Filing fees may not be charged for the filing of the
 15-37 state's petition.

15-38 Sec. 65.055. LIMITATIONS PERIOD. A petition may not be
 15-39 filed after the 45th day after the date of the last absence giving
 15-40 rise to the act of truant conduct.

15-41 Sec. 65.056. HEARING DATE. (a) After the petition has
 15-42 been filed, the truancy court shall set a date and time for an
 15-43 adjudication hearing.

15-44 (b) The hearing may not be held on or before the 10th day
 15-45 after the date the petition is filed.

15-46 Sec. 65.057. SUMMONS. (a) After setting the date and time
 15-47 of an adjudication hearing, the truancy court shall direct the
 15-48 issuance of a summons to:

15-49 (1) the child named in the petition;

15-50 (2) the child's parent, guardian, or custodian;

15-51 (3) the child's guardian ad litem, if any; and

15-52 (4) any other person who appears to the court to be a
 15-53 proper or necessary party to the proceeding.

15-54 (b) The summons must require the persons served to appear
 15-55 before the court at the place, date, and time of the adjudication
 15-56 hearing to answer the allegations of the petition. A copy of the
 15-57 petition must accompany the summons. If a person, other than the
 15-58 child, required to appear under this section fails to attend a
 15-59 hearing, the truancy court may proceed with the hearing.

15-60 (c) The truancy court may endorse on the summons an order
 15-61 directing the person having the physical custody or control of the
 15-62 child to bring the child to the hearing.

15-63 (d) A party, other than the child, may waive service of
 15-64 summons by written stipulation or by voluntary appearance at the
 15-65 hearing.

15-66 Sec. 65.058. SERVICE OF SUMMONS. (a) If a person to be
 15-67 served with a summons is in this state and can be found, the summons
 15-68 shall be served on the person personally or by registered or
 15-69 certified mail, return receipt requested, at least five days before

16-1 the date of the adjudication hearing.

16-2 (b) Service of the summons may be made by any suitable
 16-3 person under the direction of the court.

16-4 Sec. 65.059. REPRESENTATION BY ATTORNEY. (a) A child may be
 16-5 represented by an attorney in a case under this chapter.
 16-6 Representation by an attorney is not required.

16-7 (b) A child is not entitled to have an attorney appointed to
 16-8 represent the child, but the court may appoint an attorney if the
 16-9 court determines it is in the best interest of the child.

16-10 (c) The court may order a child's parent or other
 16-11 responsible person to pay for the cost of an attorney appointed
 16-12 under this section if the court determines that the person has
 16-13 sufficient financial resources.

16-14 Sec. 65.060. CHILD'S ANSWER. After the petition has been
 16-15 filed, the child may answer, orally or in writing, the petition at
 16-16 or before the commencement of the hearing. If the child does not
 16-17 answer, a general denial of the alleged truant conduct is assumed.

16-18 Sec. 65.061. GUARDIAN AD LITEM. (a) If a child appears
 16-19 before the truancy court without a parent or guardian, or it appears
 16-20 to the court that the child's parent or guardian is incapable or
 16-21 unwilling to make decisions in the best interest of the child with
 16-22 respect to proceedings under this chapter, the court may appoint a
 16-23 guardian ad litem to protect the interests of the child in the
 16-24 proceedings.

16-25 (b) An attorney for a child may also be the child's guardian
 16-26 ad litem. A law enforcement officer, probation officer, or other
 16-27 employee of the truancy court may not be appointed as a guardian ad
 16-28 litem.

16-29 (c) The court may order a child's parent or other person
 16-30 responsible to support the child to reimburse the county or
 16-31 municipality for the cost of the guardian ad litem. The court may
 16-32 issue the order only after determining that the parent or other
 16-33 responsible person has sufficient financial resources to offset the
 16-34 cost of the child's guardian ad litem wholly or partly.

16-35 Sec. 65.062. ATTENDANCE AT HEARING. (a) The child must be
 16-36 personally present at the adjudication hearing. The truancy court
 16-37 may not proceed with the adjudication hearing in the absence of the
 16-38 child.

16-39 (b) A parent or guardian of a child and any court-appointed
 16-40 guardian ad litem of a child is required to attend the adjudication
 16-41 hearing.

16-42 (c) Subsection (b) does not apply to:

16-43 (1) a person for whom, for good cause shown, the court
 16-44 excuses attendance;

16-45 (2) a person who is not a resident of this state; or

16-46 (3) a parent of a child for whom a managing conservator
 16-47 has been appointed and the parent is not a conservator of the child.

16-48 Sec. 65.063. RIGHT TO REEMPLOYMENT. (a) An employer may
 16-49 not terminate the employment of a permanent employee because the
 16-50 employee is required under Section 65.062(b) to attend a hearing.

16-51 (b) Notwithstanding any other law, an employee whose
 16-52 employment is terminated in violation of this section is entitled
 16-53 to return to the same employment that the employee held when
 16-54 notified of the hearing if the employee, as soon as practical after
 16-55 the hearing, gives the employer actual notice that the employee
 16-56 intends to return.

16-57 (c) A person who is injured because of a violation of this
 16-58 section is entitled to:

16-59 (1) reinstatement to the person's former position;

16-60 (2) damages not to exceed an amount equal to six times
 16-61 the amount of monthly compensation received by the person on the
 16-62 date of the hearing; and

16-63 (3) reasonable attorney's fees in an amount approved
 16-64 by the court.

16-65 (d) It is a defense to an action brought under this section
 16-66 that the employer's circumstances changed while the employee
 16-67 attended the hearing and caused reemployment to be impossible or
 16-68 unreasonable. To establish a defense under this subsection, an
 16-69 employer must prove that the termination of employment was because

17-1 of circumstances other than the employee's attendance at the
17-2 hearing.

17-3 Sec. 65.064. SUBPOENA OF WITNESS. A witness may be
17-4 subpoenaed in accordance with the procedures for the subpoena of a
17-5 witness under the Code of Criminal Procedure.

17-6 Sec. 65.065. CHILD ALLEGED TO BE MENTALLY ILL. (a) A party
17-7 may make a motion requesting that a petition alleging a child to
17-8 have engaged in truant conduct be dismissed because the child has a
17-9 mental illness, as defined by Section 571.003, Health and Safety
17-10 Code. In response to the motion, the truancy court shall
17-11 temporarily stay the proceedings to determine whether probable
17-12 cause exists to believe the child has a mental illness. In making a
17-13 determination, the court may:

17-14 (1) consider the motion, supporting documents,
17-15 professional statements of counsel, and witness testimony; and

17-16 (2) observe the child.

17-17 (b) If the court determines that probable cause exists to
17-18 believe that the child has a mental illness, the court shall dismiss
17-19 the petition. If the court determines that evidence does not exist
17-20 to support a finding that the child has a mental illness, the court
17-21 shall dissolve the stay and continue with the truancy court
17-22 proceedings.

17-23 SUBCHAPTER C. ADJUDICATION HEARING AND REMEDIES

17-24 Sec. 65.101. ADJUDICATION HEARING; JUDGMENT. (a) A child
17-25 may be found to have engaged in truant conduct only after an
17-26 adjudication hearing conducted in accordance with the provisions of
17-27 this chapter.

17-28 (b) At the beginning of the adjudication hearing, the judge
17-29 of the truancy court shall explain to the child and the child's
17-30 parent, guardian, or guardian ad litem:

17-31 (1) the allegations made against the child;

17-32 (2) the nature and possible consequences of the
17-33 proceedings;

17-34 (3) the child's privilege against self-incrimination;

17-35 (4) the child's right to trial and to confrontation of
17-36 witnesses;

17-37 (5) the child's right to representation by an attorney
17-38 if the child is not already represented; and

17-39 (6) the child's right to a jury trial.

17-40 (c) Trial is by jury unless jury is waived in accordance
17-41 with Section 65.008. Jury verdicts under this chapter must be
17-42 unanimous.

17-43 (d) The Texas Rules of Evidence do not apply in a truancy
17-44 proceeding under this chapter except:

17-45 (1) when the judge hearing the case determines that a
17-46 particular rule of evidence applicable to criminal cases must be
17-47 followed to ensure that the proceedings are fair to all parties; or

17-48 (2) as otherwise provided by this chapter.

17-49 (e) A child alleged to have engaged in truant conduct need
17-50 not be a witness against nor otherwise incriminate himself or
17-51 herself. An extrajudicial statement of the child that was obtained
17-52 in violation of the constitution of this state or the United States
17-53 may not be used in an adjudication hearing. A statement made by the
17-54 child out of court is insufficient to support a finding of truant
17-55 conduct unless it is corroborated wholly or partly by other
17-56 evidence.

17-57 (f) At the conclusion of the adjudication hearing, the court
17-58 or jury shall find whether the child has engaged in truant conduct.
17-59 The finding must be based on competent evidence admitted at the
17-60 hearing. The child shall be presumed to have not engaged in truant
17-61 conduct and no finding that a child has engaged in truant conduct
17-62 may be returned unless the state has proved the conduct beyond a
17-63 reasonable doubt. In all jury cases the jury will be instructed
17-64 that the burden is on the state to prove that a child has engaged in
17-65 truant conduct beyond a reasonable doubt.

17-66 (g) If the court or jury finds that the child did not engage
17-67 in truant conduct, the court shall dismiss the case with prejudice.

17-68 (h) If the court or jury finds that the child did engage in
17-69 truant conduct, the court shall proceed to issue a judgment finding

18-1 the child has engaged in truant conduct and order the remedies the
 18-2 court finds appropriate under Section 65.103. The jury is not
 18-3 involved in ordering remedies for a child who has been adjudicated
 18-4 as having engaged in truant conduct.

18-5 Sec. 65.102. REMEDIAL ACTIONS. (a) The truancy court
 18-6 shall determine and order appropriate remedial actions in regard to
 18-7 a child who has been found to have engaged in truant conduct.

18-8 (b) The truancy court shall orally pronounce the court's
 18-9 remedial actions in the child's presence and enter those actions in
 18-10 a written order.

18-11 (c) After pronouncing the court's remedial actions, the
 18-12 court shall advise the child and the child's parent, guardian, or
 18-13 guardian ad litem of:

18-14 (1) the child's right to appeal, as detailed in
 18-15 Subchapter D; and

18-16 (2) the procedures for the sealing of the child's
 18-17 records under Section 65.201.

18-18 Sec. 65.103. REMEDIAL ORDER. (a) A truancy court may
 18-19 enter a remedial order requiring a child who has been found to have
 18-20 engaged in truant conduct to:

18-21 (1) attend school without unexcused absences;

18-22 (2) attend a preparatory class for the high school
 18-23 equivalency examination administered under Section 7.111,
 18-24 Education Code, if the court determines that the individual is
 18-25 unlikely to do well in a formal classroom environment due to the
 18-26 individual's age;

18-27 (3) if the child is at least 16 years of age, take the
 18-28 high school equivalency examination administered under Section
 18-29 7.111, Education Code, if that is in the best interest of the child;

18-30 (4) attend a nonprofit, community-based special
 18-31 program that the court determines to be in the best interest of the
 18-32 child, including:

18-33 (A) an alcohol and drug abuse program;

18-34 (B) a rehabilitation program;

18-35 (C) a counseling program, including a
 18-36 self-improvement program;

18-37 (D) a program that provides training in
 18-38 self-esteem and leadership;

18-39 (E) a work and job skills training program;

18-40 (F) a program that provides training in
 18-41 parenting, including parental responsibility;

18-42 (G) a program that provides training in manners;

18-43 (H) a program that provides training in violence
 18-44 avoidance;

18-45 (I) a program that provides sensitivity
 18-46 training; and

18-47 (J) a program that provides training in advocacy
 18-48 and mentoring;

18-49 (5) complete not more than 50 hours of community
 18-50 service on a project acceptable to the court; and

18-51 (6) participate for a specified number of hours in a
 18-52 tutorial program covering the academic subjects in which the child
 18-53 is enrolled that are provided by the school the child attends.

18-54 (b) A truancy court may not order a child who has been found
 18-55 to have engaged in truant conduct to:

18-56 (1) attend a juvenile justice alternative education
 18-57 program, a boot camp, or a for-profit truancy class; or

18-58 (2) perform more than 16 hours of community service
 18-59 per week under this section.

18-60 (c) In addition to any other order authorized by this
 18-61 section, a truancy court may order the Department of Public Safety
 18-62 to suspend the driver's license or permit of a child who has been
 18-63 found to have engaged in truant conduct. If the child does not have
 18-64 a driver's license or permit, the court may order the Department of
 18-65 Public Safety to deny the issuance of a license or permit to the
 18-66 child. The period of the license or permit suspension or the order
 18-67 that the issuance of a license or permit be denied may not extend
 18-68 beyond the maximum time period that a remedial order is effective as
 18-69 provided by Section 65.104.

19-1 Sec. 65.104. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A
 19-2 truancy court's remedial order under Section 65.103 is effective
 19-3 until the later of:

19-4 (1) the date specified by the court in the order, which
 19-5 may not be later than the 180th day after the date the order is
 19-6 entered; or

19-7 (2) the last day of the school year in which the order
 19-8 was entered.

19-9 Sec. 65.105. ORDERS AFFECTING PARENTS AND OTHERS. (a) If
 19-10 a child has been found to have engaged in truant conduct, the
 19-11 truancy court may:

19-12 (1) order the child and the child's parent to attend a
 19-13 class for students at risk of dropping out of school that is
 19-14 designed for both the child and the child's parent;

19-15 (2) order any person found by the court to have, by a
 19-16 wilful act or omission, contributed to, caused, or encouraged the
 19-17 child's truant conduct to do any act that the court determines to be
 19-18 reasonable and necessary for the welfare of the child or to refrain
 19-19 from doing any act that the court determines to be injurious to the
 19-20 child's welfare;

19-21 (3) enjoin all contact between the child and a person
 19-22 who is found to be a contributing cause of the child's truant
 19-23 conduct, unless that person is the child's parent or guardian, in
 19-24 which case the court may contact the Department of Family and
 19-25 Protective Services, if necessary;

19-26 (4) after notice to, and a hearing with, all persons
 19-27 affected, order any person living in the same household with the
 19-28 child to participate in social or psychological counseling to
 19-29 assist in the child's rehabilitation;

19-30 (5) order the child's parent or other person
 19-31 responsible for the child's support to pay all or part of the
 19-32 reasonable costs of treatment programs in which the child is
 19-33 ordered to participate if the court finds the child's parent or
 19-34 person responsible for the child's support is able to pay the costs;

19-35 (6) order the child's parent to attend a program for
 19-36 parents of students with unexcused absences that provides
 19-37 instruction designed to assist those parents in identifying
 19-38 problems that contribute to the child's unexcused absences and in
 19-39 developing strategies for resolving those problems; and

19-40 (7) order the child's parent to perform not more than
 19-41 50 hours of community service with the child.

19-42 (b) A person subject to an order proposed under Subsection
 19-43 (a) is entitled to a hearing before the order is entered by the
 19-44 court.

19-45 (c) On a finding by the court that a child's parents have
 19-46 made a reasonable good faith effort to prevent the child from
 19-47 engaging in truant conduct and that, despite the parents' efforts,
 19-48 the child continues to engage in truant conduct, the court shall
 19-49 waive any requirement for community service that may be imposed on a
 19-50 parent under this section.

19-51 Sec. 65.106. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY
 19-52 SERVICE. (a) A municipality or county that establishes a program
 19-53 to assist children and their parents in rendering community service
 19-54 under this subchapter may purchase an insurance policy protecting
 19-55 the municipality or county against a claim brought by a person other
 19-56 than the child or the child's parent for a cause of action that
 19-57 arises from an act of the child or parent while rendering the
 19-58 community service. The municipality or county is not liable for the
 19-59 claim to the extent that damages are recoverable under a contract of
 19-60 insurance or under a plan of self-insurance authorized by statute.

19-61 (b) The liability of the municipality or county for a claim
 19-62 that arises from an action of the child or the child's parent while
 19-63 rendering community service may not exceed \$100,000 to a single
 19-64 person and \$300,000 for a single occurrence in the case of personal
 19-65 injury or death, and \$10,000 for a single occurrence of property
 19-66 damage. Liability may not extend to punitive or exemplary damages.

19-67 (c) This section does not waive a defense, immunity, or
 19-68 jurisdictional bar available to the municipality or county or its
 19-69 officers or employees, nor shall this section be construed to

20-1 waive, repeal, or modify any provision of Chapter 101, Civil
 20-2 Practice and Remedies Code.

20-3 Sec. 65.107. COURT COST. (a) If a child is found to have
 20-4 engaged in truant conduct, the truancy court, after giving the
 20-5 child, parent, or other person responsible for the child's support
 20-6 a reasonable opportunity to be heard, shall order the child,
 20-7 parent, or other person, if financially able to do so, to pay a
 20-8 court cost of \$50 to the clerk of the court.

20-9 (b) The court's order to pay the \$50 court cost is not
 20-10 effective unless the order is reduced to writing and signed by the
 20-11 judge. The written order to pay the court cost may be part of the
 20-12 court's order detailing the remedial actions in the case.

20-13 (c) The clerk of the court shall keep a record of the court
 20-14 costs collected under this section and shall forward the funds to
 20-15 the county treasurer, municipal treasurer, or person fulfilling the
 20-16 role of a county treasurer or municipal treasurer, as appropriate.

20-17 (d) The court costs collected under this section shall be
 20-18 deposited in a special account that can be used only to offset the
 20-19 cost of the operations of the truancy court.

20-20 Sec. 65.108. HEARING TO MODIFY REMEDY. (a) A truancy
 20-21 court may hold a hearing to modify any remedy imposed by the court.
 20-22 A remedy may only be modified during the period the order is
 20-23 effective under Section 65.104.

20-24 (b) There is no right to a jury at a hearing under this
 20-25 section.

20-26 (c) A hearing to modify a remedy imposed by the court shall
 20-27 be held on the petition of the state, the court, or the child and the
 20-28 child's parent, guardian, guardian ad litem, or attorney.
 20-29 Reasonable notice of a hearing to modify disposition shall be given
 20-30 to all parties.

20-31 (d) Notwithstanding any other law, in considering a motion
 20-32 to modify a remedy imposed by the court, the truancy court may
 20-33 consider a written report from a school district official or
 20-34 employee, juvenile case manager, or professional consultant in
 20-35 addition to the testimony of witnesses. The court shall provide the
 20-36 attorney for the child and the prosecuting attorney with access to
 20-37 all written matters to be considered by the court. The court may
 20-38 order counsel not to reveal items to the child or to the child's
 20-39 parent, guardian, or guardian ad litem if the disclosure would
 20-40 materially harm the treatment and rehabilitation of the child or
 20-41 would substantially decrease the likelihood of receiving
 20-42 information from the same or similar sources in the future.

20-43 (e) The truancy court shall pronounce in court, in the
 20-44 presence of the child, the court's changes to the remedy, if any.
 20-45 The court shall specifically state the new remedy and the court's
 20-46 reasons for modifying the remedy in a written order. The court
 20-47 shall furnish a copy of the order to the child.

20-48 Sec. 65.109. MOTION FOR NEW TRIAL. The order of a truancy
 20-49 court may be challenged by filing a motion for new trial. Rules
 20-50 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion
 20-51 for new trial.

20-52 SUBCHAPTER D. APPEAL

20-53 Sec. 65.151. RIGHT TO APPEAL. (a) The child or the state
 20-54 may appeal any order of a truancy court.

20-55 (b) An appeal from a truancy court shall be to a juvenile
 20-56 court. The case must be tried de novo in the juvenile court. This
 20-57 chapter applies to the de novo trial in the juvenile court. On
 20-58 appeal, the judgment of the truancy court is vacated.

20-59 (c) A judgment of a juvenile court in a trial conducted
 20-60 under Subsection (b) may be appealed in the same manner as an appeal
 20-61 under Chapter 56.

20-62 Sec. 65.152. GOVERNING LAW. Rule 506, Texas Rules of Civil
 20-63 Procedure, applies to the appeal of an order of a truancy court to a
 20-64 juvenile court in the same manner as the rule applies to an appeal
 20-65 of a judgment of a justice court to a county court, except an appeal
 20-66 bond is not required.

20-67 Sec. 65.153. COUNSEL ON APPEAL. (a) A child may be
 20-68 represented by counsel on appeal.

20-69 (b) If the child and the child's parent, guardian, or

21-1 guardian ad litem request an appeal, the attorney who represented
21-2 the child before the truancy court, if any, shall file a notice of
21-3 appeal with the court that will hear the appeal and inform that
21-4 court whether that attorney will handle the appeal.

21-5 (c) An appeal serves to vacate the order of the truancy
21-6 court.

21-7 SUBCHAPTER E. RECORDS

21-8 Sec. 65.201. SEALING OF RECORDS. (a) A child who has been
21-9 found to have engaged in truant conduct may apply, on or after the
21-10 child's 18th birthday, to the truancy court that made the finding to
21-11 seal the records relating to the allegation and finding of truant
21-12 conduct held by:

- 21-13 (1) the court;
- 21-14 (2) the truant conduct prosecutor; and
- 21-15 (3) the school district.

21-16 (b) The application must include the following information
21-17 or an explanation of why one or more of the following is not
21-18 included:

- 21-19 (1) the child's:
 - 21-20 (A) full name;
 - 21-21 (B) sex;
 - 21-22 (C) race or ethnicity;
 - 21-23 (D) date of birth;
 - 21-24 (E) driver's license or identification card
21-25 number; and

21-26 (F) social security number;

- 21-27 (2) the dates on which the truant conduct was alleged
21-28 to have occurred; and

21-29 (3) if known, the cause number assigned to the
21-30 petition and the court and county in which the petition was filed.

21-31 (c) The truancy court shall order that the records be sealed
21-32 after determining the child complied with the remedies ordered by
21-33 the court in the case.

21-34 (d) All index references to the records of the truancy court
21-35 that are ordered sealed shall be deleted not later than the 30th day
21-36 after the date of the sealing order.

21-37 (e) A truancy court, clerk of the court, truant conduct
21-38 prosecutor, or school district shall reply to a request for
21-39 information concerning a child's sealed truant conduct case that no
21-40 record exists with respect to the child.

21-41 (f) Inspection of the sealed records may be permitted by an
21-42 order of the truancy court on the petition of the person who is the
21-43 subject of the records and only by those persons named in the order.

21-44 (g) A person whose records have been sealed under this
21-45 section is not required in any proceeding or in any application for
21-46 employment, information, or licensing to state that the person has
21-47 been the subject of a proceeding under this chapter. Any statement
21-48 that the person has never been found to have engaged in truant
21-49 conduct may not be held against the person in any criminal or civil
21-50 proceeding.

21-51 (h) On or after the fifth anniversary of a child's 16th
21-52 birthday, on the motion of the child or on the truancy court's own
21-53 motion, the truancy court may order the destruction of the child's
21-54 records that have been sealed under this section if the child has
21-55 not been convicted of a felony.

21-56 Sec. 65.202. CONFIDENTIALITY OF RECORDS. Records and files
21-57 created under this chapter may be disclosed only to:

- 21-58 (1) the judge of the truancy court, the truant conduct
21-59 prosecutor, and the staff of the judge and prosecutor;
- 21-60 (2) the child or an attorney for the child;
- 21-61 (3) a governmental agency if the disclosure is
21-62 required or authorized by law;

21-63 (4) a person or entity to whom the child is referred
21-64 for treatment or services if the agency or institution disclosing
21-65 the information has entered into a written confidentiality
21-66 agreement with the person or entity regarding the protection of the
21-67 disclosed information;

21-68 (5) the Texas Department of Criminal Justice and the
21-69 Texas Juvenile Justice Department for the purpose of maintaining

22-1 statistical records of recidivism and for diagnosis and
 22-2 classification;

22-3 (6) the agency; or

22-4 (7) with leave of the truancy court, any other person,
 22-5 agency, or institution having a legitimate interest in the
 22-6 proceeding or in the work of the court.

22-7 Sec. 65.203. DESTRUCTION OF CERTAIN RECORDS. A truancy
 22-8 court shall order the destruction of records relating to
 22-9 allegations of truant conduct that are held by the court or by the
 22-10 prosecutor if a prosecutor decides not to file a petition for an
 22-11 adjudication of truant conduct after a review of the referral under
 22-12 Section 65.053.

22-13 SUBCHAPTER F. ENFORCEMENT OF ORDERS

22-14 Sec. 65.251. FAILURE TO OBEY TRUANCY COURT ORDER; CHILD IN
 22-15 CONTEMPT OF COURT. (a) If a child fails to obey an order issued by
 22-16 a truancy court under Section 65.103(a) or a child is in direct
 22-17 contempt of court, the truancy court, after providing notice and an
 22-18 opportunity for a hearing, may hold the child in contempt of court
 22-19 and order either or both of the following:

22-20 (1) that the child pay a fine not to exceed \$100; or

22-21 (2) that the Department of Public Safety suspend the
 22-22 child's driver's license or permit or, if the child does not have a
 22-23 license or permit, order that the Department of Public Safety deny
 22-24 the issuance of a license or permit to the child until the child
 22-25 fully complies with the court's orders.

22-26 (b) If a child fails to obey an order issued by a truancy
 22-27 court under Section 65.103(a) or a child is in direct contempt of
 22-28 court and the child has failed to obey an order or has been found in
 22-29 direct contempt of court on two or more previous occasions, the
 22-30 truancy court, after providing notice and an opportunity for a
 22-31 hearing, may refer the child to the juvenile probation department
 22-32 as a request for truancy intervention, unless the child failed to
 22-33 obey the truancy court order or was in direct contempt of court
 22-34 while 17 years of age or older.

22-35 (c) On referral of the child to the juvenile probation
 22-36 department, the truancy court shall provide to the juvenile
 22-37 probation department:

22-38 (1) documentation of all truancy prevention measures
 22-39 taken by the originating school district;

22-40 (2) documentation of all truancy orders for each of
 22-41 the child's previous truancy referrals, including:

22-42 (A) court remedies and documentation of the
 22-43 child's failure to comply with the truancy court's orders, if
 22-44 applicable, demonstrating all interventions that were exhausted by
 22-45 the truancy court; and

22-46 (B) documentation describing the child's direct
 22-47 contempt of court, if applicable;

22-48 (3) the name, birth date, and last known address of the
 22-49 child and the school in which the child is enrolled; and

22-50 (4) the name and last known address of the child's
 22-51 parent or guardian.

22-52 (d) The juvenile probation department may, on review of
 22-53 information provided under Subsection (c):

22-54 (1) offer further remedies related to the local plan
 22-55 for truancy intervention strategies adopted under Section 25.0916,
 22-56 Education Code; or

22-57 (2) refer the child to a juvenile court for a hearing
 22-58 to be conducted under Section 65.252.

22-59 (e) A truancy court may not order the confinement of a child
 22-60 for the child's failure to obey an order of the court issued under
 22-61 Section 65.103(a).

22-62 Sec. 65.252. PROCEEDINGS IN JUVENILE COURT. (a) After a
 22-63 referral by the local juvenile probation department, the juvenile
 22-64 court prosecutor shall determine if probable cause exists to
 22-65 believe that the child engaged in direct contempt of court or failed
 22-66 to obey an order of the truancy court under circumstances that would
 22-67 constitute contempt of court. On a finding that probable cause
 22-68 exists, the prosecutor shall determine whether to request an
 22-69 adjudication. Not later than the 20th day after the date the

23-1 juvenile court receives a request for adjudication from the
 23-2 prosecutor, the juvenile court shall conduct a hearing to determine
 23-3 if the child engaged in conduct that constitutes contempt of the
 23-4 order issued by the truancy court or engaged in direct contempt of
 23-5 court.

23-6 (b) If the juvenile court finds that the child engaged in
 23-7 conduct that constitutes contempt of the order issued by the
 23-8 truancy court or direct contempt of court, the juvenile court
 23-9 shall:

23-10 (1) enter an order requiring the child to comply with
 23-11 the truancy court's order;

23-12 (2) forward a copy of the order to the truancy court
 23-13 within five days; and

23-14 (3) admonish the child, orally and in writing, of the
 23-15 consequences of subsequent referrals to the juvenile court,
 23-16 including:

23-17 (A) a possible charge of delinquent conduct for
 23-18 contempt of the truancy court's order or direct contempt of court;
 23-19 and

23-20 (B) a possible detention hearing.

23-21 (c) If the juvenile court prosecutor finds that probable
 23-22 cause does not exist to believe that the child engaged in direct
 23-23 contempt or in conduct that constitutes contempt of the order
 23-24 issued by the truancy court, or if the juvenile probation
 23-25 department finds that extenuating circumstances caused the
 23-26 original truancy referral, the juvenile court shall enter an order
 23-27 requiring the child's continued compliance with the truancy court's
 23-28 order and notify the truancy court not later than the fifth day
 23-29 after the date the order is entered.

23-30 (d) This section does not limit the discretion of a juvenile
 23-31 prosecutor or juvenile court to prosecute a child for conduct under
 23-32 Section 51.03.

23-33 Sec. 65.253. PARENT OR OTHER PERSON IN CONTEMPT OF COURT.

23-34 (a) A truancy court may enforce the following orders by contempt:

23-35 (1) an order that a parent of a child, guardian of a
 23-36 child, or any court-appointed guardian ad litem of a child attend an
 23-37 adjudication hearing under Section 65.062(b);

23-38 (2) an order requiring a person other than a child to
 23-39 take a particular action under Section 65.105(a);

23-40 (3) an order that a child's parent, or other person
 23-41 responsible to support the child, reimburse the municipality or
 23-42 county for the cost of the guardian ad litem appointed for the child
 23-43 under Section 65.061(c); and

23-44 (4) an order that a parent, or person other than the
 23-45 child, pay the \$50 court cost under Section 65.107.

23-46 (b) A truancy court may find a parent or person other than
 23-47 the child in direct contempt of the court.

23-48 (c) The penalty for a finding of contempt under Subsection
 23-49 (a) or (b) is a fine in an amount not to exceed \$100.

23-50 (d) In addition to the assessment of a fine under Subsection
 23-51 (c), direct contempt of the truancy court by a parent or person
 23-52 other than the child is punishable by:

23-53 (1) confinement in jail for a maximum of three days;

23-54 (2) a maximum of 40 hours of community service; or

23-55 (3) both confinement and community service.

23-56 Sec. 65.254. WRIT OF ATTACHMENT. A truancy court may issue
 23-57 a writ of attachment for a person who violates an order entered
 23-58 under Section 65.057(c). The writ of attachment is executed in the
 23-59 same manner as in a criminal proceeding as provided by Chapter 24,
 23-60 Code of Criminal Procedure.

23-61 Sec. 65.255. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT OR
 23-62 OTHER ELIGIBLE PERSON. (a) The truancy court shall:

23-63 (1) provide notice to a person who is the subject of a
 23-64 proposed truancy court order under Section 65.253; and

23-65 (2) provide a sufficient opportunity for the person to
 23-66 be heard regarding the proposed order.

23-67 (b) A truancy court order under Section 65.253 must be in
 23-68 writing and a copy promptly furnished to the parent or other
 23-69 eligible person.

24-1 (c) The truancy court may require the parent or other
 24-2 eligible person to provide suitable identification to be included
 24-3 in the court's file. Suitable identification includes
 24-4 fingerprints, a driver's license number, a social security number,
 24-5 or similar indicia of identity.

24-6 Sec. 65.256. APPEAL. (a) The parent or other eligible
 24-7 person against whom a final truancy court order has been entered
 24-8 under Section 65.253 may appeal as provided by law from judgments
 24-9 entered by a justice court in civil cases.

24-10 (b) Rule 506, Texas Rules of Civil Procedure, applies to an
 24-11 appeal under this section, except an appeal bond is not required.

24-12 (c) The pendency of an appeal initiated under this section
 24-13 does not abate or otherwise affect the proceedings in the truancy
 24-14 court involving the child.

24-15 Sec. 65.257. MOTION FOR ENFORCEMENT. (a) The state may
 24-16 initiate enforcement of a truancy court order under Section 65.253
 24-17 against a parent or person other than the child by filing a written
 24-18 motion. In ordinary and concise language, the motion must:

24-19 (1) identify the provision of the order allegedly
 24-20 violated and sought to be enforced;

24-21 (2) state specifically and factually the manner of the
 24-22 person's alleged noncompliance;

24-23 (3) state the relief requested; and

24-24 (4) contain the signature of the party filing the
 24-25 motion.

24-26 (b) The state must allege the particular violation by the
 24-27 person of the truancy court order that the state had a reasonable
 24-28 basis for believing the person was violating when the motion was
 24-29 filed.

24-30 (c) The truancy court may also initiate enforcement of an
 24-31 order under this section on its own motion.

24-32 Sec. 65.258. NOTICE AND APPEARANCE. (a) On the filing of a
 24-33 motion for enforcement, the truancy court shall by written notice
 24-34 set the date, time, and place of the hearing and order the person
 24-35 against whom enforcement is sought to appear and respond to the
 24-36 motion.

24-37 (b) The notice must be given by personal service or by
 24-38 certified mail, return receipt requested, on or before the 10th day
 24-39 before the date of the hearing on the motion. The notice must
 24-40 include a copy of the motion for enforcement. Personal service must
 24-41 comply with the Code of Criminal Procedure.

24-42 (c) If a person moves to strike or specially excepts to the
 24-43 motion for enforcement, the truancy court shall rule on the
 24-44 exception or motion to strike before the court hears evidence on the
 24-45 motion for enforcement. If an exception is sustained, the court
 24-46 shall give the movant an opportunity to replead and continue the
 24-47 hearing to a designated date and time without the requirement of
 24-48 additional service.

24-49 (d) If a person who has been personally served with notice
 24-50 to appear at the hearing does not appear, the truancy court may not
 24-51 hold the person in contempt, but may issue a warrant for the arrest
 24-52 of the person.

24-53 Sec. 65.259. CONDUCT OF ENFORCEMENT HEARING. (a) The
 24-54 movant must prove beyond a reasonable doubt that the person against
 24-55 whom enforcement is sought engaged in conduct constituting contempt
 24-56 of a reasonable and lawful court order as alleged in the motion for
 24-57 enforcement.

24-58 (b) The person against whom enforcement is sought has a
 24-59 privilege not to be called as a witness or otherwise to incriminate
 24-60 himself or herself.

24-61 (c) The truancy court shall conduct the enforcement hearing
 24-62 without a jury.

24-63 (d) The truancy court shall include in the court's judgment:

24-64 (1) findings for each violation alleged in the motion
 24-65 for enforcement; and

24-66 (2) the punishment, if any, to be imposed.

24-67 (e) If the person against whom enforcement is sought was not
 24-68 represented by counsel during any previous court proceeding
 24-69 involving a motion for enforcement, the person may, through

counsel, raise any defense or affirmative defense to the proceeding that could have been asserted in the previous court proceeding that was not asserted because the person was not represented by counsel.

(f) It is an affirmative defense to enforcement of a truancy court order under Section 65.253 that the court did not provide the parent or other eligible person with due process of law in the proceeding in which the court entered the order.

SECTION 28. Section 264.304(c), Family Code, is amended to read as follows:

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

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

(A) the penal laws of this state; or

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

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

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

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

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

SECTION 29. Section 26.045(d), Government Code, is amended to read as follows:

(d) A county court in a county with a population of 1.75 million or more has original jurisdiction over cases alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code.

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

(i) 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 65.003(a) [~~25.094~~], Family [~~Education~~] Code.

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

CHAPTER 36. JUDICIAL DONATION TRUST FUNDS

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

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

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

26-1 (d) Interest and income from the assets of the judicial
 26-2 donation trust fund shall be credited to and deposited in the trust
 26-3 fund.

26-4 Sec. 36.002. PROCEDURES AND ELIGIBILITY. The governing
 26-5 body of a municipality or the commissioners court of a county shall:

26-6 (1) adopt the procedures necessary to receive and
 26-7 disburse money from the judicial donation trust fund under this
 26-8 chapter; and

26-9 (2) establish eligibility requirements for
 26-10 disbursement of money under this chapter to assist needy children
 26-11 or families who appear before a county, justice, or municipal court
 26-12 for a criminal offense or truant conduct, as applicable, by
 26-13 providing money for resources and services that eliminate barriers
 26-14 to school attendance or that seek to prevent criminal behavior.

26-15 Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a
 26-16 county, justice, or municipal court, in accordance with Section
 26-17 36.002, may award money from a judicial donation trust fund
 26-18 established under Section 36.001 to eligible children or families
 26-19 who appear before the court for a truancy or curfew violation or in
 26-20 another misdemeanor offense proceeding before the court.

26-21 (b) A judge of a county, justice, or municipal court may
 26-22 order the municipal or county treasurer to issue payment from the
 26-23 judicial donation trust fund for money awarded under this section.

26-24 SECTION 32. Section 54.1172(a), Government Code, is amended
 26-25 to read as follows:

26-26 (a) The county judge may appoint one or more part-time or
 26-27 full-time magistrates to hear a matter alleging a violation of
 26-28 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant
 26-29 conduct under Section 65.003(a), Family Code.

26-30 SECTION 33. Section 54.1952(a), Government Code, is amended
 26-31 to read as follows:

26-32 (a) The county judge may appoint one or more part-time or
 26-33 full-time magistrates to hear a matter alleging a violation of
 26-34 Section 25.093 [~~or 25.094~~], Education Code, or alleging truant
 26-35 conduct under Section 65.003(a), Family Code, referred to the
 26-36 magistrate by a court having jurisdiction over the matter.

26-37 SECTION 34. Section 54.1955, Government Code, is amended to
 26-38 read as follows:

26-39 Sec. 54.1955. POWERS. (a) Except as limited by an order of
 26-40 the county judge, a magistrate appointed under this subchapter may:

26-41 (1) conduct hearings;
 26-42 (2) hear evidence;
 26-43 (3) issue summons for the appearance of witnesses;
 26-44 (4) examine witnesses;
 26-45 (5) swear witnesses for hearings;
 26-46 (6) recommend rulings or orders or a judgment in a
 26-47 case;

26-48 (7) regulate proceedings in a hearing;
 26-49 (8) accept a plea of guilty or nolo contendere in a
 26-50 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
 26-51 Code, and assess a fine or court costs or order community service in
 26-52 satisfaction of a fine or costs in accordance with Article 45.049,
 26-53 Code of Criminal Procedure;

26-54 (9) for a violation of Section 25.093, Education Code,
 26-55 enter an order suspending a sentence or deferring a final
 26-56 disposition that includes at least one of the requirements listed
 26-57 in Article 45.051, Code of Criminal Procedure;

26-58 (10) for an uncontested adjudication of truant conduct
 26-59 under Section 65.003, Family Code, accept a plea to the petition or
 26-60 a stipulation of evidence, and take any other action authorized
 26-61 under Chapter 65, Family Code; and

26-62 (11) perform any act and take any measure necessary
 26-63 and proper for the efficient performance of the duties required by
 26-64 the referral order, including the entry of an order that includes at
 26-65 least one of the remedial options [~~requirements~~] in Section 65.103,
 26-66 Family Code [~~Article 45.054, Code of Criminal Procedure, and~~

26-67 [~~(11) if the magistrate finds that a child as defined~~
 26-68 by Article 45.058, Code of Criminal Procedure, has violated an
 26-69 order under Article 45.054, Code of Criminal Procedure, proceed as

27-1 ~~authorized by Article 45.050, Code of Criminal Procedure].~~

27-2 (b) With respect to an issue of law or fact the ruling on
27-3 which could result in the dismissal of a prosecution under Section
27-4 25.093 [~~or 25.094~~], Education Code, or a case of truant conduct
27-5 under Section 65.003, Family Code, a magistrate may not rule on the
27-6 issue but may make findings, conclusions, and recommendations on
27-7 the issue.

27-8 SECTION 35. Section 54.1956, Government Code, is amended to
27-9 read as follows:

27-10 Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED
27-11 CONDUCT. (a) On entry of a not guilty plea for a violation of
27-12 Section 25.093, Education Code, the magistrate shall refer the case
27-13 back to the referring court for all further pretrial proceedings
27-14 and a full trial on the merits before the court or a jury.

27-15 (b) On denial by a child of truant conduct, as defined by
27-16 Section 65.003(a), Family Code, the magistrate shall refer the case
27-17 to the appropriate truancy court for adjudication.

27-18 SECTION 36. Section 71.0352, Government Code, is amended to
27-19 read as follows:

27-20 Sec. 71.0352. JUVENILE DATA [~~DATE~~]: JUSTICE, MUNICIPAL,
27-21 AND TRUANCY [~~JUVENILE~~] COURTS. As a component of the official
27-22 monthly report submitted to the Office of Court Administration of
27-23 the Texas Judicial System:

27-24 (1) a justice court, [~~and~~] municipal court, or truancy
27-25 court [~~courts~~] shall report the number of cases filed for [~~the~~
27-26 following offenses]:

27-27 (A) truant conduct under Section 65.003(a),
27-28 Family Code [~~failure to attend school under Section 25.094,~~
27-29 ~~Education Code];~~

27-30 (B) the offense of parent contributing to
27-31 nonattendance under Section 25.093, Education Code; and

27-32 (C) a violation of a local daytime curfew
27-33 ordinance adopted under Section 341.905 or 351.903, Local
27-34 Government Code; and

27-35 (2) in cases in which a child fails to obey an order of
27-36 a justice court, [~~or~~] municipal court, or truancy court under
27-37 circumstances that would constitute contempt of court, the justice
27-38 court, [~~or~~] municipal court, or truancy court shall report the
27-39 number of incidents in which the child is:

27-40 (A) referred to the appropriate juvenile court
27-41 for delinquent conduct as provided by Article 45.050(c)(1), Code of
27-42 Criminal Procedure, or [~~and~~] Section 65.251 [~~51.03(a)(2)], Family~~
27-43 Code; or

27-44 (B) held in contempt, fined, or denied driving
27-45 privileges as provided by Article 45.050(c)(2), Code of Criminal
27-46 Procedure, or Section 65.251, Family Code.

27-47 SECTION 37. Section 102.021, Government Code, is amended to
27-48 read as follows:

27-49 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
27-50 PROCEDURE. A person convicted of an offense shall pay the following
27-51 under the Code of Criminal Procedure, in addition to all other
27-52 costs:

27-53 (1) court cost on conviction of any offense, other
27-54 than a conviction of an offense relating to a pedestrian or the
27-55 parking of a motor vehicle (Art. 102.0045, Code of Criminal
27-56 Procedure) . . . \$4;

27-57 (2) a fee for services of prosecutor (Art. 102.008,
27-58 Code of Criminal Procedure) . . . \$25;

27-59 (3) fees for services of peace officer:
27-60 (A) issuing a written notice to appear in court
27-61 for certain violations (Art. 102.011, Code of Criminal Procedure)
27-62 . . . \$5;

27-63 (B) executing or processing an issued arrest
27-64 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal
27-65 Procedure) . . . \$50;

27-66 (C) summoning a witness (Art. 102.011, Code of
27-67 Criminal Procedure) . . . \$5;

27-68 (D) serving a writ not otherwise listed (Art.
27-69 102.011, Code of Criminal Procedure) . . . \$35;

28-1 (E) taking and approving a bond and, if
28-2 necessary, returning the bond to courthouse (Art. 102.011, Code of
28-3 Criminal Procedure) . . . \$10;
28-4 (F) commitment or release (Art. 102.011, Code of
28-5 Criminal Procedure) . . . \$5;
28-6 (G) summoning a jury (Art. 102.011, Code of
28-7 Criminal Procedure) . . . \$5;
28-8 (H) attendance of a prisoner in habeas corpus
28-9 case if prisoner has been remanded to custody or held to bail (Art.
28-10 102.011, Code of Criminal Procedure) . . . \$8 each day;
28-11 (I) mileage for certain services performed (Art.
28-12 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
28-13 (J) services of a sheriff or constable who serves
28-14 process and attends examining trial in certain cases (Art. 102.011,
28-15 Code of Criminal Procedure) . . . not to exceed \$5;
28-16 (4) services of a peace officer in conveying a witness
28-17 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
28-18 \$10 per day or part of a day, plus actual necessary travel expenses;
28-19 (5) overtime of peace officer for time spent
28-20 testifying in the trial or traveling to or from testifying in the
28-21 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
28-22 (6) court costs on an offense relating to rules of the
28-23 road, when offense occurs within a school crossing zone (Art.
28-24 102.014, Code of Criminal Procedure) . . . \$25;
28-25 (7) court costs on an offense of passing a school bus
28-26 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
28-27 (8) court costs on an offense of parent contributing
28-28 to student nonattendance [~~truancy or contributing to truancy~~] (Art.
28-29 102.014, Code of Criminal Procedure) . . . \$20;
28-30 (9) cost for visual recording of intoxication arrest
28-31 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
28-32 \$15;
28-33 (10) cost of certain evaluations (Art. 102.018, Code
28-34 of Criminal Procedure) . . . actual cost;
28-35 (11) additional costs attendant to certain
28-36 intoxication convictions under Chapter 49, Penal Code, for
28-37 emergency medical services, trauma facilities, and trauma care
28-38 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
28-39 (12) additional costs attendant to certain child
28-40 sexual assault and related convictions, for child abuse prevention
28-41 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
28-42 (13) court cost for DNA testing for certain felonies
28-43 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;
28-44 (14) court cost for DNA testing for the offense of
28-45 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of
28-46 Criminal Procedure) . . . \$50;
28-47 (15) court cost for DNA testing for certain felonies
28-48 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;
28-49 (16) if required by the court, a restitution fee for
28-50 costs incurred in collecting restitution installments and for the
28-51 compensation to victims of crime fund (Art. 42.037, Code of
28-52 Criminal Procedure) . . . \$12;
28-53 (17) if directed by the justice of the peace or
28-54 municipal court judge hearing the case, court costs on conviction
28-55 in a criminal action (Art. 45.041, Code of Criminal Procedure)
28-56 . . . part or all of the costs as directed by the judge; and
28-57 (18) costs attendant to convictions under Chapter 49,
28-58 Penal Code, and under Chapter 481, Health and Safety Code, to help
28-59 fund drug court programs established under Chapter 122, 123, 124,
28-60 or 125, Government Code, or former law (Art. 102.0178, Code of
28-61 Criminal Procedure) . . . \$60.
28-62 SECTION 38. Section 103.021, Government Code, is amended to
28-63 read as follows:
28-64 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
28-65 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
28-66 or a party to a civil suit, as applicable, shall pay the following
28-67 fees and costs under the Code of Criminal Procedure if ordered by
28-68 the court or otherwise required:
28-69 (1) a personal bond fee (Art. 17.42, Code of Criminal

29-1 Procedure) . . . the greater of \$20 or three percent of the amount
 29-2 of the bail fixed for the accused;
 29-3 (2) cost of electronic monitoring as a condition of
 29-4 release on personal bond (Art. 17.43, Code of Criminal Procedure)
 29-5 . . . actual cost;
 29-6 (3) a fee for verification of and monitoring of motor
 29-7 vehicle ignition interlock (Art. 17.441, Code of Criminal
 29-8 Procedure) . . . not to exceed \$10;
 29-9 (3-a) costs associated with operating a global
 29-10 positioning monitoring system as a condition of release on bond
 29-11 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
 29-12 subject to a determination of indigency;
 29-13 (3-b) costs associated with providing a defendant's
 29-14 victim with an electronic receptor device as a condition of the
 29-15 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
 29-16 Procedure) . . . actual costs, subject to a determination of
 29-17 indigency;
 29-18 (4) repayment of reward paid by a crime stoppers
 29-19 organization on conviction of a felony (Art. 37.073, Code of
 29-20 Criminal Procedure) . . . amount ordered;
 29-21 (5) reimbursement to general revenue fund for payments
 29-22 made to victim of an offense as condition of community supervision
 29-23 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
 29-24 a misdemeanor offense or \$100 for a felony offense;
 29-25 (6) payment to a crime stoppers organization as
 29-26 condition of community supervision (Art. 42.12, Code of Criminal
 29-27 Procedure) . . . not to exceed \$50;
 29-28 (7) children's advocacy center fee (Art. 42.12, Code
 29-29 of Criminal Procedure) . . . not to exceed \$50;
 29-30 (8) family violence center fee (Art. 42.12, Code of
 29-31 Criminal Procedure) . . . \$100;
 29-32 (9) community supervision fee (Art. 42.12, Code of
 29-33 Criminal Procedure) . . . not less than \$25 or more than \$60 per
 29-34 month;
 29-35 (10) additional community supervision fee for certain
 29-36 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
 29-37 month;
 29-38 (11) for certain financially able sex offenders as a
 29-39 condition of community supervision, the costs of treatment,
 29-40 specialized supervision, or rehabilitation (Art. 42.12, Code of
 29-41 Criminal Procedure) . . . all or part of the reasonable and
 29-42 necessary costs of the treatment, supervision, or rehabilitation as
 29-43 determined by the judge;
 29-44 (12) fee for failure to appear for trial in a justice
 29-45 or municipal court if a jury trial is not waived (Art. 45.026, Code
 29-46 of Criminal Procedure) . . . costs incurred for impaneling the
 29-47 jury;
 29-48 (13) costs of certain testing, assessments, or
 29-49 programs during a deferral period (Art. 45.051, Code of Criminal
 29-50 Procedure) . . . amount ordered;
 29-51 (14) special expense on dismissal of certain
 29-52 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
 29-53 . . . not to exceed amount of fine assessed;
 29-54 (15) an additional fee:
 29-55 (A) for a copy of the defendant's driving record
 29-56 to be requested from the Department of Public Safety by the judge
 29-57 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
 29-58 to the sum of the fee established by Section 521.048,
 29-59 Transportation Code, and the state electronic Internet portal fee;
 29-60 (B) as an administrative fee for requesting a
 29-61 driving safety course or a course under the motorcycle operator
 29-62 training and safety program for certain traffic offenses to cover
 29-63 the cost of administering the article (Art. 45.0511(f)(1), Code of
 29-64 Criminal Procedure) . . . not to exceed \$10; or
 29-65 (C) for requesting a driving safety course or a
 29-66 course under the motorcycle operator training and safety program
 29-67 before the final disposition of the case (Art. 45.0511(f)(2), Code
 29-68 of Criminal Procedure) . . . not to exceed the maximum amount of the
 29-69 fine for the offense committed by the defendant;

30-1 (16) a request fee for teen court program (Art.
30-2 45.052, Code of Criminal Procedure) . . . \$20, if the court
30-3 ordering the fee is located in the Texas-Louisiana border region,
30-4 but otherwise not to exceed \$10;

30-5 (17) a fee to cover costs of required duties of teen
30-6 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
30-7 court ordering the fee is located in the Texas-Louisiana border
30-8 region, but otherwise \$10;

30-9 (18) a mileage fee for officer performing certain
30-10 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
30-11 mile;

30-12 (19) certified mailing of notice of hearing date (Art.
30-13 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

30-14 (20) certified mailing of certified copies of an order
30-15 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
30-16 plus postage;

30-17 (20-a) a fee to defray the cost of notifying state
30-18 agencies of orders of expungement (Art. 45.0216, Code of Criminal
30-19 Procedure) . . . \$30 per application;

30-20 [~~(20-b) a fee to defray the cost of notifying state~~
30-21 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~
30-22 ~~Procedure) . . . \$30 per application,~~]

30-23 (21) sight orders:

30-24 (A) if the face amount of the check or sight order
30-25 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
30-26 . . . not to exceed \$10;

30-27 (B) if the face amount of the check or sight order
30-28 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
30-29 Criminal Procedure) . . . not to exceed \$15;

30-30 (C) if the face amount of the check or sight order
30-31 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
30-32 Criminal Procedure) . . . not to exceed \$30;

30-33 (D) if the face amount of the check or sight order
30-34 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
30-35 Criminal Procedure) . . . not to exceed \$50; and

30-36 (E) if the face amount of the check or sight order
30-37 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
30-38 . . . not to exceed \$75;

30-39 (22) fees for a pretrial intervention program:

30-40 (A) a supervision fee (Art. 102.012(a), Code of
30-41 Criminal Procedure) . . . \$60 a month plus expenses; and

30-42 (B) a district attorney, criminal district
30-43 attorney, or county attorney administrative fee (Art. 102.0121,
30-44 Code of Criminal Procedure) . . . not to exceed \$500;

30-45 (23) parking fee violations for child safety fund in
30-46 municipalities with populations:

30-47 (A) greater than 850,000 (Art. 102.014, Code of
30-48 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

30-49 (B) less than 850,000 (Art. 102.014, Code of
30-50 Criminal Procedure) . . . not to exceed \$5;

30-51 (24) an administrative fee for collection of fines,
30-52 fees, restitution, or other costs (Art. 102.072, Code of Criminal
30-53 Procedure) . . . not to exceed \$2 for each transaction; and

30-54 (25) a collection fee, if authorized by the
30-55 commissioners court of a county or the governing body of a
30-56 municipality, for certain debts and accounts receivable, including
30-57 unpaid fines, fees, court costs, forfeited bonds, and restitution
30-58 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
30-59 percent of an amount more than 60 days past due.

30-60 SECTION 39. Subchapter B, Chapter 103, Government Code, is
30-61 amended by adding Section 103.035 to read as follows:

30-62 Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: FAMILY
30-63 CODE. A party to a truancy case in a truancy court shall pay court
30-64 costs of \$50 under Section 65.107, Family Code, if ordered by the
30-65 truancy court.

30-66 SECTION 40. Section 81.032, Local Government Code, is
30-67 amended to read as follows:

30-68 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The
30-69 commissioners court may accept a gift, grant, donation, bequest, or

31-1 devise of money or other property on behalf of the county, including
31-2 a donation under Chapter 36, Government Code, for the purpose of
31-3 performing a function conferred by law on the county or a county
31-4 officer.

31-5 SECTION 41. The following laws are repealed:

31-6 (1) Articles 45.054 and 45.055, Code of Criminal
31-7 Procedure;

31-8 (2) Sections 25.094 and 25.0916(d), Education Code;
31-9 and

31-10 (3) Sections 51.03(d), (e-1), and (g), 51.04(h),
31-11 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1),
31-12 Family Code.

31-13 SECTION 42. The changes in law made by this Act apply only
31-14 to an offense committed or conduct that occurs on or after the
31-15 effective date of this Act. An offense committed or conduct that
31-16 occurs before the effective date of this Act is governed by the law
31-17 in effect on the date the offense was committed or the conduct
31-18 occurred, and the former law is continued in effect for that
31-19 purpose. For purposes of this section, an offense is committed or
31-20 conduct occurs before the effective date of this Act if any element
31-21 of the offense or conduct occurs before that date.

31-22 SECTION 43. To the extent of any conflict, this Act prevails
31-23 over another Act of the 84th Legislature, Regular Session, 2015,
31-24 relating to nonsubstantive additions to and corrections in enacted
31-25 codes.

31-26 SECTION 44. This Act takes effect September 1, 2015.

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