

By: Clardy

H.B. No. 2821

A BILL TO BE ENTITLED

AN ACT

relating to court jurisdiction and procedures for truancy.

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

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

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

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

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

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

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

(1) Chapter 106, Alcoholic Beverage Code; or

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

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

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

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

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

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

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

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

(1) over 17 years of age;

(2) 16 years of age or older and:

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

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

1 recommends that the person take the examination; or

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

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

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

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

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

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

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

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

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

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

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

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

(3) to serve court-ordered legal process;

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

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

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

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

1 process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a), the school district may[+]

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

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

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

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

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

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

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

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

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

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

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

9 (2) the following conditions are satisfied:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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) truancy, which is 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;

(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;

(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;

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

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

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

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

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

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

(j) The following courts are designated as juvenile courts for the purpose of making determinations under Section 51.03(b)(2):

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

(2) an appropriate justice or municipal court.

SECTION 16. Section 54.041(f), Family Code, is amended to read as follows:

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

SECTION 17. Chapter 54, Family Code, is amended by adding Section 54.0492 to read as follows:

Sec. 54.0492. REMEDIES IN TRUANCY CASES. (a) On a finding

that an individual has engaged in conduct indicating a need for supervision under Section 51.03(b)(2), the court may enter an order that includes one or more of the following provisions requiring that:

(1) the individual:

(A) attend school without unexcused absences;

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

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

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

(A) an alcohol and drug abuse program;

(B) a rehabilitation program;

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

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

(E) a work and job skills training program;

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

(G) a program that provides training in manners;

1 (H) a program that provides training in violence
2 avoidance;

3 (I) a program that provides sensitivity
4 training; or

5 (J) a program that provides training in advocacy
6 and mentoring;

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

10 (4) the individual complete reasonable community
11 service requirements; or

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

14 (A) covering the academic subjects in which the
15 student is enrolled; and

16 (B) provided by the school the individual
17 attends.

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

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

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

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

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

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

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

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

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

24 (2) the individual presents to the court proof that
25 the individual has obtained a high school diploma or a high school
26 equivalency certificate.

27 (j) A county, justice, or municipal court may waive or

1 reduce a fee or court cost imposed under this section if the court
2 finds that payment of the fee or court cost would cause financial
3 hardship.

4 SECTION 18. Section 58.106(a), Family Code, is amended to
5 read as follows:

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

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

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

15 (3) to a juvenile justice agency;

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

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

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

25 SECTION 19. Section 26.045(d), Government Code, is amended
26 to read as follows:

27 (d) A county court in a county with a population of 1.75

1 million or more has original jurisdiction over cases alleging a
2 violation of Section 25.093 [~~or 25.094~~], Education Code.

3 SECTION 20. Section 29.003(i), Government Code, is amended
4 to read as follows:

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

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

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

17 SECTION 21. Section 54.1172(a), Government Code, is amended
18 to read as follows:

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

23 SECTION 22. Section 54.1952(a), Government Code, is amended
24 to read as follows:

25 (a) The county judge may appoint one or more part-time or
26 full-time magistrates to hear a matter alleging a violation of
27 Section 25.093 [~~or 25.094~~], Education Code, or a truancy case under

1 Section 51.03(b)(2), Family Code, referred to the magistrate by a
2 court having jurisdiction over the matter.

3 SECTION 23. Section 54.1955, Government Code, is amended to
4 read as follows:

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

7 (1) conduct hearings;
8 (2) hear evidence;
9 (3) issue summons for the appearance of witnesses;
10 (4) examine witnesses;
11 (5) swear witnesses for hearings;
12 (6) recommend rulings or orders or a judgment in a
13 case;

14 (7) regulate proceedings in a hearing;
15 (8) accept a plea of guilty or nolo contendere in a
16 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
17 Code, and assess a fine or court costs or order community service in
18 satisfaction of a fine or costs in accordance with Article 45.049,
19 Code of Criminal Procedure;

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

24 (10) for an uncontested adjudication of conduct
25 indicating a need for supervision under Section 51.03(b)(2), Family
26 Code, accept a plea to the petition or a stipulation of evidence,
27 and enter a disposition, defer adjudication, or take any other

action authorized under Chapter 54, Family Code; and

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

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

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

SECTION 24. Section 54.1956, Government Code, is amended to read as follows:

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

(b) On denial by a child of conduct described by Section 51.03(b)(2), Family Code, the magistrate shall refer the case to the appropriate juvenile court for adjudication.

SECTION 25. Section 71.0352, Government Code, is amended to read as follows:

1 Sec. 71.0352. JUVENILE DATA [~~DATE~~]: JUSTICE, MUNICIPAL, AND
2 JUVENILE COURTS. As a component of the official monthly report
3 submitted to the Office of Court Administration of the Texas
4 Judicial System:

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

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

10 (B) parent contributing to nonattendance under
11 Section 25.093, Education Code; and

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

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

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

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

25 SECTION 26. Section 102.021, Government Code, is amended to
26 read as follows:

27 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL

PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

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

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

(3) fees for services of peace officer:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

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

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

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

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

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

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

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

23 (18) costs attendant to convictions under Chapter 49,
24 Penal Code, and under Chapter 481, Health and Safety Code, to help
25 fund drug court programs established under Chapter 122, 123, 124,
26 or 125, Government Code, or former law (Art. [102.0178](#), Code of
27 Criminal Procedure) . . . \$60.

SECTION 27. Section [103.021](#), Government Code, is amended to read as follows:

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

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

(2) cost of electronic monitoring as a condition of release on personal bond (Art. [17.43](#), Code of Criminal Procedure) . . . actual cost;

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

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

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

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. [37.073](#), Code of

1 Criminal Procedure) . . . amount ordered;

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

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

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

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

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

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

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

25 (12) fee for failure to appear for trial in a justice
26 or municipal court if a jury trial is not waived (Art. 45.026, Code
27 of Criminal Procedure) . . . costs incurred for impaneling the

1 jury;

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

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

8 (15) an additional fee:

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

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

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

24 (16) a request fee for teen court program (Art.
25 45.052, Code of Criminal Procedure) . . . \$20, if the court
26 ordering the fee is located in the Texas-Louisiana border region,
27 but otherwise not to exceed \$10;

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

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

8 (19) certified mailing of notice of hearing date (Art.
9 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

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

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

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

19 (21) sight orders:

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

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

26 (C) if the face amount of the check or sight order
27 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of

1 Criminal Procedure) . . . not to exceed \$30;

2 (D) if the face amount of the check or sight order

3 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of

4 Criminal Procedure) . . . not to exceed \$50; and

5 (E) if the face amount of the check or sight order

6 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)

7 . . . not to exceed \$75;

8 (22) fees for a pretrial intervention program:

9 (A) a supervision fee (Art. 102.012(a), Code of

10 Criminal Procedure) . . . \$60 a month plus expenses; and

11 (B) a district attorney, criminal district

12 attorney, or county attorney administrative fee (Art. 102.0121,

13 Code of Criminal Procedure) . . . not to exceed \$500;

14 (23) parking fee violations for child safety fund in

15 municipalities with populations:

16 (A) greater than 850,000 (Art. 102.014, Code of

17 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

18 (B) less than 850,000 (Art. 102.014, Code of

19 Criminal Procedure) . . . not to exceed \$5;

20 (24) an administrative fee for collection of fines,

21 fees, restitution, or other costs (Art. 102.072, Code of Criminal

22 Procedure) . . . not to exceed \$2 for each transaction; and

23 (25) a collection fee, if authorized by the

24 commissioners court of a county or the governing body of a

25 municipality, for certain debts and accounts receivable, including

26 unpaid fines, fees, court costs, forfeited bonds, and restitution

27 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30

1 percent of an amount more than 60 days past due.

2 SECTION 28. The following laws are repealed:

3 (1) Articles 45.054 and 45.055, Code of Criminal
4 Procedure;

5 (2) Section 25.094, Education Code; and

6 (3) Sections 51.03(g), 51.08(e), and 54.021, Family
7 Code.

8 SECTION 29. The changes in law made by this Act apply only
9 to an offense committed or conduct that occurs on or after the
10 effective date of this Act. An offense committed or conduct that
11 occurs before the effective date of this Act is governed by the law
12 in effect on the date the offense was committed or the conduct
13 occurred, and the former law is continued in effect for that
14 purpose. For purposes of this section, an offense is committed or
15 conduct occurs before the effective date of this Act if any element
16 of the offense or conduct occurs before the effective date.

17 SECTION 30. To the extent of any conflict, this Act prevails
18 over another Act of the 84th Legislature, Regular Session, 2015,
19 relating to nonsubstantive additions to and corrections in enacted
20 codes.

21 SECTION 31. This Act takes effect September 1, 2015.