

1-1 By: Whitmire S.B. No. 108
 1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 25, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; March 25, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 108 By: Perry

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

1-19 relating to certain criminal procedures for misdemeanor offenses
 1-20 committed by children.

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

1-22 SECTION 1. Article 45.0216(h), Code of Criminal Procedure,
 1-23 is amended to read as follows:

1-24 (h) Records of a person under 17 years of age relating to a
 1-25 complaint [~~dismissed as provided by Article 45.051 or 45.052~~] may
 1-26 be expunged under this article if:

1-27 (1) the complaint was dismissed under Article 45.051
 1-28 or 45.052 or other law; or

1-29 (2) the person was acquitted of the offense.

1-30 SECTION 2. Article 45.058(g), Code of Criminal Procedure,
 1-31 is amended to read as follows:

1-32 (g) Except as provided by Subsection (g-1) and Section
 1-33 37.143(a), Education Code, a law enforcement officer may issue a
 1-34 field release citation as provided by Article 14.06 in place of
 1-35 taking a child into custody for a traffic offense or an offense
 1-36 punishable by fine only.

1-37 SECTION 3. Section 37.141(1), Education Code, is amended to
 1-38 read as follows:

1-39 (1) "Child" means a person who is:

1-40 (A) a student; and

1-41 (B) at least 10 years of age and younger than 18
 1-42 years of age [~~has the meaning assigned by Article 45.058(h), Code of~~
 1-43 Criminal Procedure, except that the person must also be a student].

1-44 SECTION 4. Section 37.143(a), Education Code, is amended to
 1-45 read as follows:

1-46 (a) A peace officer, law enforcement officer, or school
 1-47 resource officer may not issue a citation to a child who is alleged
 1-48 to have committed a school offense.

1-49 SECTION 5. (a) Except as provided by Subsection (b) of this
 1-50 section, the changes in law made by this Act apply only to an
 1-51 offense committed on or after the effective date of this Act. An
 1-52 offense committed before the effective date of this Act is governed
 1-53 by the law in effect on the date the offense was committed, and the
 1-54 former law is continued in effect for that purpose. For purposes of
 1-55 this section, an offense was committed before the effective date of
 1-56 this Act if any element of the offense occurred before that date.

1-57 (b) The change in law made by this Act to Article
 1-58 45.0216(h), Code of Criminal Procedure, applies to arrest records
 1-59 and files created before, on, or after the effective date of this
 1-60 Act.

2-1 SECTION 6. This Act takes effect September 1, 2015.

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