

1-1 By: Buckley (Senate Sponsor - Middleton) H.B. No. 3917
1-2 (In the Senate - Received from the House May 8, 2023;
1-3 May 10, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2023, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to dismissal of a complaint alleging a parent contributing
1-18 to nonattendance on the parent's fulfillment of certain terms.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article [45.0531](#), Code of Criminal Procedure, is
1-21 amended to read as follows:

1-22 Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO
1-23 NONATTENDANCE CHARGE. (a) Subject to Subsection (b) and
1-24 notwithstanding ~~[Notwithstanding]~~ any other law, a county,
1-25 justice, or municipal court, at the court's discretion, may dismiss
1-26 a charge against a defendant alleging the defendant committed an
1-27 offense under Section [25.093](#), Education Code, if the court finds
1-28 that a dismissal would be in the interest of justice because:

1-29 (1) there is a low likelihood of recidivism by the
1-30 defendant; or

1-31 (2) sufficient justification exists for the failure to
1-32 attend school.

1-33 (b) Notwithstanding any other law, a county, justice, or
1-34 municipal court shall dismiss a charge against a defendant alleging
1-35 the defendant committed an offense under Section [25.093](#), Education
1-36 Code, if the parent completes the terms of an agreement entered into
1-37 by the parent and the school district at which the parent's child
1-38 attends under Section 25.094, Education Code, within the period
1-39 required by Subsection (b) of that section. If agreed to by the
1-40 school district that is a party to the agreement, the court may
1-41 extend the period under Section 25.094(b), Education Code, during
1-42 which a parent may fulfill the terms of the agreement.

1-43 SECTION 2. Subchapter [C](#), Chapter [25](#), Education Code, is
1-44 amended by adding Section 25.094 to read as follows:

1-45 Sec. 25.094. AGREEMENT FOR DISMISSAL OF PARENT CONTRIBUTING
1-46 TO NONATTENDANCE CHARGE. (a) A parent against whom a complaint
1-47 under Section [25.093](#) has been filed and the school district at which
1-48 the parent's child is enrolled may enter into a written agreement
1-49 requiring the parent to complete counseling, training, or another
1-50 program as designated by the school district.

1-51 (b) A parent who fulfills the terms of an agreement
1-52 described by Subsection (a) not later than the 30th day after the
1-53 date on which the complaint was filed or within the period provided
1-54 by the agreement is entitled to dismissal of the complaint in
1-55 accordance with Article [45.0531](#)(b), Code of Criminal Procedure.

1-56 (c) The agency may adopt rules and materials necessary to
1-57 implement this section, including by:

1-58 (1) making standardized agreement forms available to
1-59 school districts;

1-60 (2) recommending state and local counseling,
1-61 training, or other program options that a school district may

require in an agreement under this section, which may include:

(A) faith-based counseling or training programs;
or

(B) other programs that provide instruction designed to assist a parent in identifying problems that contribute to unexcused absences by the parent's child and in developing strategies for resolving those problems; and

(3) requiring relevant programs, resources, and materials to be made available through regional educational service centers.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2023.

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