

AN ACT

relating to certain criminal procedures for misdemeanor offenses committed by children.

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

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

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

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

(2) the person was acquitted of the offense.

SECTION 2. Section 45.052(a), Code of Criminal Procedure, is amended to read as follows:

(a) A justice or municipal court may defer proceedings against a defendant who is under the age of 18 or enrolled full time in an accredited secondary school in a program leading toward a high school diploma for not more than 180 days if the defendant:

(1) is charged with an offense that the court has jurisdiction of under Article 4.11 or 4.14 [~~, Code of Criminal Procedure~~];

(2) pleads nolo contendere or guilty to the offense in open court with the defendant's parent, guardian, or managing conservator present;

1 (3) presents to the court an oral or written request to  
2 attend a teen court program or is recommended to attend the program  
3 by a school employee under Section 37.146, Education Code; and

4 (4) has not successfully completed a teen court  
5 program in the year [~~two years~~] preceding the date that the alleged  
6 offense occurred.

7 SECTION 3. Article 45.058(g), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (g) Except as provided by Subsection (g-1) and Section  
10 37.143(a), Education Code, a law enforcement officer may issue a  
11 field release citation as provided by Article 14.06 in place of  
12 taking a child into custody for a traffic offense or an offense  
13 punishable by fine only.

14 SECTION 4. Section 37.141(1), Education Code, is amended to  
15 read as follows:

16 (1) "Child" means a person who is:

17 (A) a student; and

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

21 SECTION 5. Section 37.143(a), Education Code, is amended to  
22 read as follows:

23 (a) A peace officer, law enforcement officer, or school  
24 resource officer may not issue a citation to a child who is alleged  
25 to have committed a school offense.

26 SECTION 6. Section 37.146, Education Code, is amended by  
27 adding Subsection (c) to read as follows:

1        (c) A complaint under this subchapter may include a  
2 recommendation by a school employee that the child attend a teen  
3 court program under Article 45.052, Code of Criminal Procedure, if  
4 the school employee believes attending a teen court program is in  
5 the best interest of the child.

6        SECTION 7. (a) Except as provided by Subsection (b) of this  
7 section, the changes in law made by this Act apply only to an  
8 offense committed on or after the effective date of this Act. An  
9 offense committed before the effective date of this Act is governed  
10 by the law in effect on the date the offense was committed, and the  
11 former law is continued in effect for that purpose. For purposes of  
12 this section, an offense was committed before the effective date of  
13 this Act if any element of the offense occurred before that date.

14        (b) The change in law made by this Act to Article  
15 45.0216(h), Code of Criminal Procedure, applies to arrest records  
16 and files created before, on, or after the effective date of this  
17 Act.

18        SECTION 8. This Act takes effect September 1, 2015.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 108 passed the Senate on April 1, 2015, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 30, 2015, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 108 passed the House, with amendment, on May 27, 2015, by the following vote: Yeas 141, Nays 3, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor