

Learning Objectives


By the end of the session you will be able to:

1. Identify alcohol offenses in the municipal court's jurisdiction
2. Analyze why there are special alcohol provisions for minors
3. Describe the legal requirements for adjudicating "minor" alcohol offenses

Purpose of the Alcoholic Beverage Code Sec. 1.03

"This code is an exercise of the police power of the state for the protection of the welfare, health, peace, temperance, and safety of the people of the state. It shall be liberally construed to accomplish this purpose."

Parens Patriae-Latin for "father of the people"
Refers to the public policy power of the state to act as a parent for people in need of protection



**Class C Misdemeanors
Non-Status Offenses**

- Consuming alcoholic beverage on premises licensed for off-premise consumption ABC 101.72
- Consuming alcoholic beverage near a school ABC 101.75
- Selling alcohol after the permitted hours of consumption ABC 105.06
- "Open Container" Penal Code 49.031
- * Public Intoxication Penal Code 49.02
- City Ordinances

**"Minor" Specific (Status) Offenses
Chapter 106 ABC**

- Purchasing alcohol by minor
- Attempting to purchase alcohol by minor
- Consuming alcohol by minor
- Possessing alcohol by minor
- Misrepresenting age by minor to buy alcohol
- Driving or operating watercraft under the influence of alcohol by minor

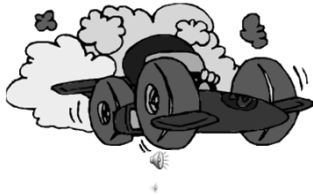
- ** "*minor*" a person under 21 years of age

**Zero Tolerance
ABC 106.041**

- It is illegal for a person under 21 to operate a motor vehicle, or watercraft with ANY detectable amount of alcohol in their system

Why have special provisions for minors?





“Like a car with powerful gas pedal and weak brakes”
Dr. Laurence Steinberg-Temple University

Effects on Youth, Family, and Communities



- 34,745 non-driving minor ABC cases in Municipal Courts alone
- Over 2,800 DUI-Minor charges
- 210 fatalities; 5,473 non-fatal traffic injuries
- 161 homicides; 87,700 non-fatal violent crimes
- Over 33% of all deaths for those under 21 are traffic
- 17x more like to die if drinking

Rewards

Zero Tolerance states show an average 16% decrease in night time accidents for minors

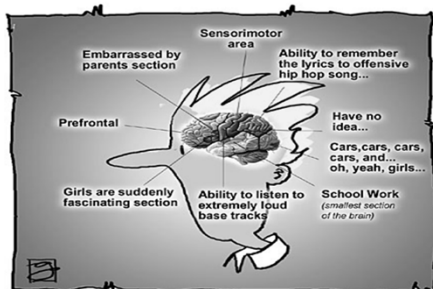


CDC report-Sept 2012

- Drunken driving deaths fell 54% in last 20 years
- 12% fewer teens report alcohol use

Factors?

Adolescent brain development



Anatomy of a Teenager's Brain

Prefrontal Cortex

Brain's CEO—doesn't fully develop until at LEAST 25 years of age

Responsible for:

- ❖ planning ahead
- ❖ managing emotional impulses
- ❖ considering consequences

Last section to develop—happens during adolescence

Process is increased by 100% from beginning of adolescence to the end

Physiologically- More sensitive to alcohol and other drugs, addiction happens much faster

Requirements and Processes

I. Penalties

- a. Alcohol Awareness Course
- b. Community Service
- c. DL Suspension
- d. Failure to Comply

II. Deferred Disposition

III. Exceptions

IV. Reporting

V. Expunction



Penalties

Chapter 106 ABC
(other than DUI-Minor)

1st conviction

- Maximum \$500 fine
- Alcohol Awareness Course
- 8-12 hours "alcohol related" community service
- DL suspension/denial for 30 days

**Public Intoxication follows penalty guideline of ABC



Penalties

Subsequent conviction

2nd

Max \$500 fine

Alcohol Awareness Optional

20-40 hours "alcohol related community service"

60 day DL suspension/denial

3rd "if previous convictions shown at trial"

no jurisdiction – fine \$250-2,000, confinement up to 180 days, no deferred disposition

Under 17 – mandatory waiver unless JCM is employed

DUI-Minor Penalties

Zero Tolerance –Strategy was designed to avoid sending young people to jail or building criminal records –rehabilitation-not punishment

1st

- Max \$500 fine
- Alcohol Awareness Course
- 20-40 hours alcohol related community service
- Administrative DL suspension (PD)

2nd

- Max \$500 fine
- Optional Alcohol Awareness Course
- 40-60 hours alcohol related community service

3rd + no jurisdiction



Alcohol Awareness Course

Six hours classroom instruction
Must be certified by DSHS-Dept of State Health Services (TCADA)

There are NO approved Internet courses

Sec. 106.115-
May order parent to attend
“to do or refrain from any act
that increases likelihood minor
will comply”





Community Service

“alcohol related”



If programs not available, order community service
that the “court considers appropriate for
rehabilitative purposes”

Driver's License Suspension or Denial

- ✓ Reported to DPS on DIC-15
- ✓ Length:
 - 1st conviction: 30 days
 - 2nd conviction: 60 days
 - Starts 11th day after conviction
- ✓ Fail to Comply suspension 6 months-1 year



DUI-Minor—do not suspend through court
PD -administrative suspension

Deferred Disposition

Treated as "conviction" for enhancement purposes

Must do required community service

Must attend alcohol awareness course

Reported to DPS on DIC-15, with "deferred" indication, no suspension

Exceptions

- ✓ Under the immediate supervision of a peace officer engaged in enforcement
- ✓ Consumed in the visible presence of the minors adult parent, guardian or spouse
- ✓ Requests for emergency medical assistance
 - *for possible alcohol overdose
 - *was first person to make the request
 - *remained at scene
 - *cooperated with law enforcement, medical personnel
- ✓ Course and scope of minor's employment



Failure to Comply/Pay

Failure to comply with court order (don't complete AAC or CS)

Must have Show Cause Hearing

AAC---judge can give extension up to 90

DL suspension 6mos-1year

Fail to pay fine-

DIC-81 suspension until compliance



Reporting

Initial Reports to DPS DIC-15

- ✓ Conviction
- ✓ Deferred Disposition
- ✓ Acquittal of DUI-Minor

Failure to Comply

- ✓ DIC-15 DL suspension 6mos
1 year

TABC

Must supply report if requested

REPORT CARD				
GRADING PERIOD	1	2	3	4
ENGLISH	A			
MATHEMATICS	A			
SCIENCE	C			
SCIENCE/HEALTH	B			
SOCIAL STUDIES	B			
ART	A			
MUSIC	A			
PHYSICAL EDUCATION	C			
Grade Average: B				
Attendance:	Present			
	Absent			
<small>U.S. Constitution • U.S. State Constitutions • U.S. State Statutes • U.S. State Regulations</small>				

Expunction



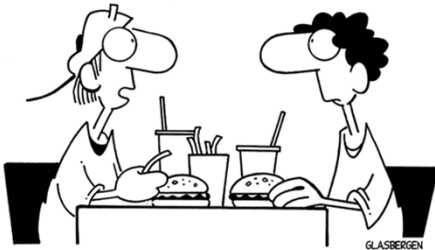
- ✓ ABC Sec. 106.12
- ✓ Applies only to offenses under ABC
- ✓ Apply to court "in which he was convicted"
- ✓ Defendant must wait until age 21
- ✓ Must not have been convicted of more than one ABC violation
- ✓ Not available after deferred disposition
- ✓ Mandatory \$30 fee
- ✓ No mandatory notification

Tools



- ✓ **TABC**
www.tabc.state.tx.us/laws/underageddrinkinglaws.asp
- ✓ **Those Who Host Lose The Most**
www.thosewhohost.org 888-843-8222
- ✓ **Mother's Against Drunk Driving**
www.madd.org
- ✓ **TABC/CBS community partnership** www.2yound2drink.com
- ✓ **Underage Drinking Enforcement Training Center** www.udetc.org
funded by Office of Juvenile Justice and Delinquency Prevention, Dept of Justice
- ✓ www.abajournal.com/magazine/article/whats_the_matter_with_kids_today/

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GLASBERGEN
"I forgot to make a back-up copy of my brain,
so everything I learned last semester was lost."





MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
Jurisdiction	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.) Court required to dismiss complaint for failure to attend school if not filed by 7 th day after student's last absence.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 161.256, H.S.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03(f), F.C.) All fine-only offenses.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 51.03, F.C.; and Sec. 729.001(a), T.C.) For exceptions, see section on common offenses.
Waiver of Jurisdiction - Transfer to Juvenile Court¹ Sec. 51.08, F.C.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •Age 17 – court retains jurisdiction.	Sec. 161.257, H.S.C May not waive jurisdiction. Title 3, Family Code (including transfer to juvenile court) does not apply to Subchapter N, H.S.C.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. • Shall waive jurisdiction if there is pending Sexting (section 43.261, P.C.) complaint against a child (under 17 years of age)	Sec. 51.08, F.C. Municipal court may not waive its jurisdiction over traffic violations.
Age Art. 45.058(h), C.C.P.; Sec. 51.02, F.C. Sec. 8.07, P.C.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 25.085. Compulsory School Attendance • Municipal court has jurisdiction if child at least age 10; • Child under age 6, if previously enrolled in 1st grade, or • At least age 6 and who has not reached his or her 18th birthday. (See Sec. 25.086 for Exemptions.)	Sec. 161.252, H.S.C. Definition of a minor - Under age 18. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 8.07. Age Affecting Criminal Responsibility under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17. Defendant must be 17 for municipal court to have jurisdiction. Section 43.261	Sec. 729.001. Operation of Motor Vehicle by Minor- Under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.
Common Offenses	•Sec. 106.02. Purchase of Alcohol by Minor; •Sec. 106.025. Attempt to Purchase Alcohol by a Minor; •Sec. 106.04. Consumption of Alcohol by a Minor; •Sec. 106.05. Possession of Alcohol by a Minor; •Sec. 106.07. Misrepresentation of Age by a Minor.	•Sec. 106.041. Driving or Operating Watercraft Under the Influence of Alcohol by a Minor.	•Sec. 25.094. Failure to Attend School; •Sec. 37.102. Rules (Enacted by School Board); •Sec. 37.107. Trespass on School Grounds; •Sec. 37.122. Possession of Intoxicants on School Grounds; •Sec. 37.124. Disruption of Classes; •Sec. 37.126. Disruption of Transportation.	Sec. 161.252 •Possession of cigarettes or tobacco; •Purchase of cigarettes or tobacco; •Consumption of cigarettes or tobacco; •Acceptance of cigarettes or tobacco; •Display false proof of age.	All fine-only offenses.	Sec. 729.001(a), T.C.; Sec. 8.07(a)(2), P.C.; Sec. 51.02(16), F.C. •Ch. 502. Registration of Vehicles, except Secs. 502.282 or 502.412; •Ch. 521. Driver's Licenses, except Sec. 521.457; •Subtitle C. Rules of the Road, except offenses punishable by imprisonment or by confinement in jail; •Ch. 601. Safety Responsibility •Ch. 621. Vehicle Size & Weight; •Ch. 661. Motorcycles & All Terrain Vehicles;



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
						•Ch. 681. Parking, Towing & Storage of Vehicles.
Penalties ²	<p>Sec. 106.071 for offenses under Secs. 106.02, 106.025, 106.04, 106.05, 106.07.</p> <p>1st conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Mandatory alcohol awareness program, Sec. 106.115; •Mandatory 8-12 hours alcohol-related community service; •DL suspension or denial – 30 days; eff. 11th day after conviction. <p>2nd conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Optional alcohol awareness program; •Mandatory 20-40 hours alcohol-related community service; •DL suspension or denial – 60 days; eff. 11th day after conviction. <p>3rd conviction Under age 17:</p> <ul style="list-style-type: none"> •See waiver provisions in chart. <p>Age 17 & under 21</p> <ul style="list-style-type: none"> •Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. <p>Complete alcohol awareness program</p> <p>Court may reduce the fine to half the amount assessed.</p> <p>Failure to complete alcohol awareness program</p> <p>Court may give another 90 days to complete.</p> <ul style="list-style-type: none"> •1st conviction: court must order DPS to suspend or deny issuance of DL for up to six months. Sec. 106.115(c), A.B.C. •2nd or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year. 	<p>Sec. 106.041.</p> <p>1st conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Mandatory alcohol awareness program; •Mandatory 20 to 40 hours alcohol-related community service; •Administrative DL suspension (separate proceeding under Chapters 524 and 724, T.C.—court does not suspend). <p>2nd conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Optional alcohol awareness program; •Mandatory 40 to 60 hours of alcohol-related community service; •Administrative DL suspension (separate proceeding—Chapters 524 and 724, T.C.). <p>3rd conviction Under age 17:</p> <ul style="list-style-type: none"> •See waiver provisions in chart. <p>Age 17 & under 21</p> <ul style="list-style-type: none"> •Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. <p>Complete alcohol awareness program</p> <p>Court may reduce the fine to half the amount assessed.</p> <p>Failure to complete alcohol awareness program</p> <p>Court may give another 90 days to complete.</p> <ul style="list-style-type: none"> •1st conviction: court must order DPS to suspend or deny issuance of DL for up to six 	<p>Secs. 25.094, 37.102, 37.107, 37.122, 37.124, 37.126.</p> <p>Class C misdemeanors (max \$500)</p> <p>Sec. 25.094(c)³ – In addition to a fine, a court may order a sanction under Art. 45.054, C.C.P.:</p> <ul style="list-style-type: none"> •Attend school without unexcused absences; •Attend preparatory class for GED (older child that will not do well in classroom environment) or, if child is 16 or older, take GED exam; •Attend a special program: <ul style="list-style-type: none"> –alcohol & drug abuse program, –rehabilitation program, –counseling program, –training in self-esteem & leadership, –work and job skills training, –training in parenting, –manners training, –violence avoidance training, –sensitivity training, –advocacy, and –mentoring training; •Attend class for student at risk of dropping out of school (may require parent to attend with child); •Community service; •Participate in tutorial program; •Order DPS to suspend or deny issuance of a DL for a period of time not to exceed 365 days. <p>Court shall dismiss the complaint if individual has successfully complied with the conditions imposed.</p>	<p>Secs. 161.252 and 161.253</p> <p>1st conviction</p> <ul style="list-style-type: none"> •A fine not to exceed \$250, but court shall suspend execution of sentence (court costs must still be assessed and imposed) and order tobacco awareness program. Court dismisses charge on completion of course. •If no course available, court shall require 8-12 hours tobacco-related community service. •Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL for up to 180 days after date of order. <p>Subsequent offenses (enhanced)</p> <ul style="list-style-type: none"> •A fine not to exceed \$250; •Court shall suspend execution of sentence and order tobacco awareness course; •Upon completion of course, court may reduce fine to not less than half; •Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL not to exceed 180 days after date of order. 	<p>Sec. 12.23</p> <p>Class C misdemeanor (max fine \$500). Under age 17 & two prior convictions, see waiver provisions in chart.</p> <p>Public Intoxication (Sec. 49.02):</p> <p>Persons under age 21 charged with public intoxication, the penalty is under Sec. 106.071, A.B.C.: See penalties for Alcoholic Beverage Code Offenses other than DUI.</p> <p>Art. 45.061, C.C.P.</p> <p>Minor convicted of sexting may be ordered to attend a successfully complete an educational program addressing legal aspects, consequences, and effects of sexting, bullying, cyber-bullying, and harassment.</p>	<p>Secs. 729.001 and 729.002</p> <p>Penalty same as adult defendant. See general and specific penalty clauses throughout Transportation Code.</p>



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		months. Sec. 106.115(c), A.B.C. •2 nd or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year.	under 45.054, C.C.P., or if the individual presents to the court proof of a high school diploma or equivalency certificate.			
Appearance	Sec. 106.10, A.B.C. •Plea of guilty must be in open court. Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Sec. 106.10, A.B.C. •Plea of guilty must be in open court. Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.054, C.C.P. Failure to Attend School Proceedings: court required to summon parents to appear with defendant regardless of defendant's age. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Age 17 – parent's presence not required. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17, generally, or under age 18 if charged with Sexting under Section 43.261, P.C.: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.
Custody ³ Art. 45.058, C.C.P.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when offense committed may be handled as an adult.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. Sec. 25.094(d-1), E.C. •Order based on probable cause that individual failed to attend school: -A child may be taken into custody. •Individual may be: -released to parent, guardian,	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		offense committed may be handled as an adult.	custodian, or other responsible adult; -taken before a municipal or justice court that has venue.	45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when offense committed may be handled as an adult.	detained in a juvenile detention facility.	
Failure to Appear	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 543.009, T.C.—Violation of Promise to Appear may be charged for Subtitle C, Rules of the Road offenses.</p> <p>Sec. 38.10 P.C.—Failure to Appear may be charged for other traffic offenses.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Sec. 521.3452, T.C. Court shall report failure to appear to DPS.</p>
Violation of a Court Order; Failure to Pay Fine: Art. 45.050, C.C.P.	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. <p>All defendants:</p>	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial 	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or 	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or 	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. 	



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
	<ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart. 	of DL until child/person fully complies with orders. All defendants: <ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart. 	<ul style="list-style-type: none"> - order suspension or denial of DL until child/person fully complies with orders. 	<ul style="list-style-type: none"> • retain jurisdiction and hold child/person in contempt of court <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. All defendants: <ul style="list-style-type: none"> • Failure to complete tobacco awareness course, see section on penalties this chart. 	<ul style="list-style-type: none"> • retain jurisdiction and hold child/person in contempt of court <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. 	
Expunction ⁵	<p>Sec. 106.12, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p> <p>Sec. 106.12(d), A.B.C. Court shall charge \$30 fee for each application.</p>	<p>Sec. 106.12, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p> <p>Sec. 106.12(d), A.B.C. Court shall charge \$30 fee for each application.</p>	<p>Art. 45.055(a)</p> <ul style="list-style-type: none"> • Court must notify child of right; • Court must give copy of Art. 45.055, C.C.P., to defendant and parent <p>Art. 45.055(a)</p> <ul style="list-style-type: none"> • May apply to municipal court if only one conviction for offense of failure to attend school; • May apply at age 18; • Must submit written request made under oath; • Form of submission determined by applicant; • Must pay \$30 fee. <p>Art. 45.055(e)</p> <ul style="list-style-type: none"> • Regardless of number of convictions, court shall expunge if individual successfully complied with any conditions imposed under Art. 45.054. • Regardless of number of convictions, court shall expunge if individual presents proof (by age 21) of high school diploma or equivalency certificate. <p>Art. 45.0216, C.C.P. Other fine-only Education Code Offenses:</p>	<p>Sec. 161.255, H.S.C.</p> <ul style="list-style-type: none"> • May apply to municipal court to have conviction expunged; • Applicant must have completed tobacco awareness course; • May have multiple convictions expunged as long as applicant completed tobacco awareness course for each conviction. • Court shall charge \$30 fee. 	<p>Art. 45.0216, C.C.P.</p> <ul style="list-style-type: none"> • Court must notify child of right; • Court must give copy of Art. 45.0216, C.C.P., to defendant and parent; • Not more than one conviction; • Child may apply on or after age 17; • Apply to trial court; • Child makes request under oath; • Court shall charge \$30 fee. 	<p>Ch. 55, C.C.P. Expunction order must be filed in district court.</p>



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
			<ul style="list-style-type: none"> • Court must notify child of right; • Court must give copy of Art. 45.0216, C.C.P.; • Not more than one conviction; • Child may apply on or after age 17; • Apply to trial court; • Child makes request under oath; • Court shall charge \$30 fee. 			
Child Turns Age 17 after Failure to Appear	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>
Child Turns age 17 after Failing to Pay Fine; <i>Copias Pro Fine</i> ; Art. 45.045, C.C.P.	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P. 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P. 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P.



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		45.050, C.C.P.	C.C.P.	and <ul style="list-style-type: none"> that the court has proceeded under Art. 45.050, C.C.P. 	by other procedures); and <ul style="list-style-type: none"> that the court has proceeded under Art. 45.050, C.C.P. 	
Reports	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. <p>Sec. 106.116, A.B.C.</p> <ul style="list-style-type: none"> Tex. Alcoholic Bev. Commission, if requested. <p>Sec. 106.117, A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, upon conviction or order of deferred. <p>Sec. 106.115(d), A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service. 	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. <p>Sec. 106.116, A.B.C.</p> <ul style="list-style-type: none"> Tex. Alcoholic Bev. Commission, if requested. <p>Sec. 106.117, A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, upon conviction, order of deferred, and acquittal under 106.041. <p>Sec. 106.115(d), A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service. 	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. 	<p>Sec. 161.254, H.S.C. All minors</p> <ul style="list-style-type: none"> DPS, if defendant fails to present evidence of completion of tobacco-related program or community service. <p>Court required to order DL suspended or denied for a period not to exceed 180 days.</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. 	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. <p>Sec. 15.27, P.C.</p> <ul style="list-style-type: none"> Upon conviction, prosecutor required to notify school of conviction of assault and possession of drug paraphernalia. 	<p>Sec. 543.203, T.C.</p> <ul style="list-style-type: none"> Convictions reported to DPS. <p>Sec. 521.3452, T.C. Under age 17</p> <ul style="list-style-type: none"> Court required to report failure to appear. <p>Secs. 521.201(7) and 521.294(5), T.C.</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition.
Parents	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. <p>Art. 45.057(g), C.C.P.</p> <ul style="list-style-type: none"> Failure to appear with child in court is a Class C misdemeanor. 	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. <p>Art. 45.057(g), C.C.P.</p>	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Sec. 25.093, E.C.</p> <ul style="list-style-type: none"> May be charged with the offense of Parent Contributing to Nonattendance, a Class C misdemeanor. <p>Art. 45.054, C.C.P.</p>	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. 	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. 	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. <p>Art. 45.057(g), C.C.P.</p> <ul style="list-style-type: none"> Failure to appear with child in court is a Class C misdemeanor.



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Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729	
	<p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Sec. 106.115(d), A.B.C. •Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.</p>	<p>•Failure to appear with child in court is a Class C misdemeanor.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Sec. 106.115(d), A.B.C. •Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.</p>	<p>•Order parent to attend a class for students at risk of dropping out of school.</p> <p>Art. 45.057(a), C.C.P. •Parent includes a person standing in parental relation, a managing conservator, or a custodian.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.054(d), C.C.P. •Failure to comply with summons to appear with child charged with failure to attend school is a Class C misdemeanor.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p>	<p>Art. 45.057(g), C.C.P. •Failure to appear with child in court is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p>	<p>Art. 45.057(g), C.C.P. •Failure to appear with child in court is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor. Art. 45.061, C.C.P. • Parent (or defendant) must pay for court-ordered educational program for child convicted of sexting.</p>	<p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p>



MUNICIPAL JUVENILE/MINOR CHART

¹Art. 45.056, C.C.P., provides authority for municipal courts to employ case managers for juvenile cases. Sec.51.08, F.C., provides that a court that has implemented a juvenile case manager program under Art. 45.056, C.C.P., may, but is not required to, waive its original jurisdiction under subsection (b)(1) of Section 51.08, F.C. Article 102.0174, C.C.P., provides that cities may adopt an ordinance creating a juvenile case manger fund and collect a fee of up to \$5 to fund a juvenile case manager.

²Art. 45.057, C.C.P. – When a child who is at least 10 years old and younger than age 17 is charged with a fine-only offense, the court may, in addition to a fine, order the following sanctions: 1) Refer the child or child’s parent for services under Sec. 264.302, F.C.; 2) Require child to attend a special program that is in best interest of child, including rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy or mentoring program; 3) Require parents to do an act or refrain from an act that will increase the likelihood that the child will comply with court orders, including attending a parenting class or parental responsibility program and attending the child’s school classes or functions; 4) Order the parents of a child required to attend a special program to pay an amount not greater than \$100 for the costs of the program; 5) Require both the child and parent to submit proof of attendance. (If program involves the expenditure of county funds, county must approve child’s attendance.)

Deferred Disposition

- If the court grants deferred for all Alcoholic Beverage Code offenses except DUI, the court must require the defendant to perform the community service requirements and attend an alcohol awareness course; for DUI, the court must require an alcohol awareness course.
- If defendant charged with the offense of public intoxication is under age 21, and the court grants deferred, the court must order the community service requirements under Sec. 106.071, A.B.C., and attendance at an alcohol awareness course.

³ A dispositional order under Art. 45.054, C.C.P., is effective for the period specified by the court in the order but may not extend beyond the 180th day after the date of the order or beyond the end of the school year in which the order was entered, whichever period is longer.

⁴Art. 45.059, C.C.P., Children Taken into Custody for Violation of Juvenile Curfew or Order: 1) Release person to parent, guardian or custodian; 2) Take person before a justice or municipal court; or 3) Take person to juvenile curfew processing office (similar to nonsecure custody and not held for more than six hours).

⁵Art. 45.0216, C.C.P., provides that proceedings under Art. 45.051, C.C.P. (Deferred Disposition), and proceedings under Art. 45.052, C.C.P. (Teen Court), may be expunged under Art. 45.0216, C.C.P.

⁶Under Sec. 25.093(f), E.C., when a court grants deferred disposition to a parent charged with parent contributing to nonattendance, the court may require the defendant to attend a program that provides instruction designed to assist the parent in identifying problems that contribute to his or her child’s absence from school and strategies for resolving those problems.

ATTENTION

H.B. 961, passed in the 82nd legislature, replaces procedures for nondisclosure with procedures that conditionally make particular criminal case records confidential. Article 45.0217 provides that all records and files, including those held by law enforcement and all electronically stored information, relating to a child who is convicted of an has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential. Confidential records may not be released to the public, but they can be inspected by judges, court staff, a criminal justice agency for a criminal justice purpose, DPS, the defendant, the defendant’s attorney, a prosecuting attorney, or the defendant’s parent, guardian, or managing conservator. Like nondisclosure orders, this new confidentiality protection only applies to cases in which a conviction is obtained. This means there is no confidentiality for records related to a case where a child defendant receives deferred disposition and the case is subsequently dismissed or where a child gets a dismissal from successful completion of teen court. Unlike nondisclosure, this new confidentiality does not attach to records until the judgment is satisfied. H.B. 961 applies to convictions before, on, or after the effective date of the act. All cases subject to an existing nondisclosure order will still be subject to the nondisclosure order.

EXPUNCTIONS JUVENILES AND MINORS



	Alcoholic Beverage Code Sec. 106.12	Health & Safety Code Sec. 161.255	Code of Criminal Procedure Art. 45.055	Code of Criminal Procedure Art. 45.0216
Offenses	<ul style="list-style-type: none"> • Purchase of Alcohol by a Minor (Section 106.02); • Attempt to Purchase Alcohol by a Minor (Section 106.25); • Consumption of Alcohol by a Minor (Section 106.04); • Driving or Operating Watercraft Under the Influence of Alcohol by Minor (DUI) (Section 106.041); • Possession of Alcohol by a Minor (Section 106.05); and • Misrepresentation of Age by a Minor (Section 106.07). 	Possession, Purchase, Consumption, Or Receipt of Cigarettes Or Tobacco Products By Minors Prohibited (Section 161.252).	Failure to Attend School (Section 25.094, E.C.) <i>Court must inform of right to expunction in open court and give copy of law to child and parent.</i>	Penal Offenses Court must inform of right to expunction in open court and give copy of law to child and parent. Penal Code-Class C misdemeanors Education Code offenses: <ul style="list-style-type: none"> • Rules Enacted by School Board (Section 37.102); • Trespass on School Grounds (Section 37.107); • Possession of Intoxicants on School Grounds (Section 37.122); • Disruption of Classes (Section 37.124); • Disruption of Transportation (Section 37.126); and • A Member of a Fraternity, Sorority, Secret Society, or Gang that is not Sanctioned by Higher Education (Section 37.121). Possession of Drug Paraphernalia (Section 481.125, H.S.C.) City of ordinance penal offenses
Age to Apply	At least age 21.	No age requirement.	At least age 18.	At least age 17.
Requirements	Must have had only one conviction while a minor under A.B.C.	Multiple convictions may be expunged, but must have completed tobacco awareness program or tobacco related community service.	<ul style="list-style-type: none"> • Must have had only one conviction (Section 45.055(a)) • Regardless of number of convictions, successful compliance with conditions imposed by the court under Article 45.054 (Section 45.055(e)(1)) • Regardless of number of convictions, high school diploma or equivalency certificate presented prior to age 21 (Section 45.055(e)(2)) 	Only one conviction of any penal fine-only offense described in Section 8.07 (a)(4) or (5) P.C. While person was a child or only one conviction under section 43.261, P.C. Also applies to dismissals of penal offenses under Article 45.052, C.C.P. (Teen Court) or Article 45.051, C.C.P. (Deferred Disposition).
Court Petitioned	Municipal court in which convicted.	Municipal court in which convicted.	Municipal court in which convicted. (<i>Petition not required for 45.055(e) expunction</i>)	Municipal court in which convicted.
Affidavit or Proof	Sworn statement that they have had only one conviction.	Sworn statement that they have completed tobacco awareness program or tobacco-related community service.	Sworn statement that they have had only one conviction. (Section 45.055(a)) Court finds the individual successfully complied with Article 45.054 conditions (Section 45.055(e)(1)) Proof presented, prior to age 21, of high school diploma or equivalency certificate (Section 45.055(e)(2))	Sworn statement that they were not convicted of any additional offense; or for expunction of a sexting offense, found to have engaged in conduct indicating a need for supervision described by Section 51.03 (b)(7), F.C.
Hearing	Optional	Optional	Optional	Optional
Fee	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required (<i>\$30 fee not collected for 45.055(e) expunction</i>)	January 1, 2006 \$30 fee required