



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.)	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.; 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: <ul style="list-style-type: none"> • 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 the court or another court has previously dismissed a complaint against the child under Section 8.08, P.C. • 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: <ul style="list-style-type: none"> • 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 the court or another court has previously dismissed a complaint against the child under Section 8.08, P.C. • 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: <ul style="list-style-type: none"> • 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 the court or another court has previously dismissed a complaint against the child under Section 8.08, P.C. • 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: <ul style="list-style-type: none"> • 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 the court or another court has previously dismissed a complaint against the child under Section 8.08, P.C. • 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. 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. 8.07, P.C. <ul style="list-style-type: none"> • Person may not be prosecuted for or convicted of a fine-only offense committed when younger than 10 years of age. • Person at least 10 but younger than 15 is presumed incapable of committing a fine only offense. • Presumption may be refuted if prosecution proves by preponderance of evidence that child had sufficient capacity to understand that conduct was wrong at time conduct was engaged in. 	Sec. 106.01. 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. 8.07, P.C. <ul style="list-style-type: none"> • Person may not be prosecuted for or convicted of a fine-only offense committed when younger than 10 years of age. • Person at least 10 but younger than 15 is presumed incapable of committing a fine only offense. • Presumption may be refuted if prosecution proves by preponderance of evidence that child had sufficient capacity to understand that conduct was wrong at time conduct was engaged in. 	Sec. 8.07, P.C. <ul style="list-style-type: none"> • Person may not be prosecuted for or convicted of a fine-only offense committed when younger than 10 years of age. • Person at least 10 but younger than 15 is presumed incapable of committing a fine only offense. • Presumption may be refuted if prosecution proves by preponderance of evidence that child had sufficient capacity to understand that conduct was wrong at time conduct was engaged in. 	Sec. 161.252, H.S.C. 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. 8.07, P.C. <ul style="list-style-type: none"> • Person may not be prosecuted for or convicted of a fine-only offense committed when younger than 10 years of age. • Person at least 10 but younger than 15 is presumed incapable of committing a fine only offense. • Presumption may be refuted if prosecution proves by preponderance of evidence that child had sufficient capacity to understand that conduct was wrong at time conduct was engaged in. 	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. Section 43.261 Defendant must be 17 for municipal court to have jurisdiction. Sec. 8.07, P.C. <ul style="list-style-type: none"> • Person may not be prosecuted for or convicted of a fine-only offense committed when younger than 10 years of age. • Person at least 10 but younger than 15 is presumed incapable of committing a fine only offense. • Presumption may be refuted if prosecution proves by preponderance of evidence that child had sufficient capacity to understand that conduct was wrong at time conduct was engaged in. 	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. Sec. 8.07, P.C. <ul style="list-style-type: none"> • Person may not be prosecuted for or convicted of a fine-only offense committed when younger than 10 years of age. • Person at least 10 but younger than 15 is presumed incapable of committing a fine only offense. • Presumption may be refuted if prosecution proves by preponderance of evidence that child had sufficient capacity to understand that conduct was wrong at time conduct was engaged in.



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Common Offenses	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Sec. 106.041. Driving or Operating Watercraft Under the Influence of Alcohol by a Minor. 	<ul style="list-style-type: none"> • 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. 161.252 <ul style="list-style-type: none"> • Possession of cigarettes, e-cigarettes, or tobacco; • Purchase of cigarettes, e-cigarettes, or tobacco; • Consumption of cigarettes, e-cigarettes, or tobacco; • Acceptance of cigarettes, e-cigarettes, or tobacco; • Display false proof of age. 	<ul style="list-style-type: none"> • Sec. 22.01. Assault by threat; • Sec. 28.03. Criminal Mischief; • Sec. 31.03. Theft under \$100; • Sec. 38.10. Bail Jumping/Failure to Appear; • Sec. 42.01. Disorderly Conduct. 	Sec. 729.001(a), T.C.; Sec. 8.07(a)(2), P.C.; Sec. 51.02(16), F.C. <ul style="list-style-type: none"> • 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; • Ch. 681. Parking, Towing & Storage of Vehicles.
School Offenses²	Sec. 37.143, E.C. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A school district employee may file a complaint with the municipal court.	Sec. 37.143, E.C. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A school district employee may file a complaint with the municipal court.	Sec. 37.143, E.C. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A school district employee may file a complaint with the municipal court.	Sec. 37.143, E.C. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A school district employee may file a complaint with the municipal court.	Sec. 37.143, E.C. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A school district employee may file a complaint with the municipal court.	Sec. 37.141, E.C. A school offense is an offense other than a traffic offense. A peace officer may issue a citation to a juvenile for traffic offenses committed on property under the control and jurisdiction of a school district.
Penalties³	Sec. 106.071 for offenses under Secs. 106.02, 106.025, 106.04, 106.05, 106.07. <u>1st conviction</u> <ul style="list-style-type: none"> • Class C misdemeanor (max \$500); • Mandatory drug or alcohol awareness program or Drug and Alcohol Driving Awareness Program (DADAP), Sec. 106.115 (if defendant resides in county of 75,000 or less and no readily available drug or alcohol awareness program, court may allow online drug or alcohol awareness program or not less than eight hours of drug- or alcohol-related community service; DADAP is available online); 	Sec. 106.041. <u>1st conviction</u> <ul style="list-style-type: none"> • Class C misdemeanor (max \$500); • Mandatory drug or alcohol awareness program or Drug and Alcohol Driving Awareness Program (DADAP), Sec. 106.115 (if defendant resides in county of 75,000 or less and no readily available program, court may allow online drug or alcohol awareness program or not less than eight hours of drug or alcohol-related community service; DADAP is available online); • Mandatory 20 to 40 hours alcohol-related community service; 	Secs. 37.102, 37.107, 37.122, 37.124, 37.126. E.C. Class C misdemeanors (max \$500)	Secs. 161.252 and 161.253 <u>1st conviction</u> <ul style="list-style-type: none"> • A fine not to exceed \$100, but court shall suspend execution of sentence (court costs must still be assessed and imposed) and order e-cigarette and tobacco awareness program. Court dismisses charge on completion of course. • If no course available, court shall require 8-12 hours e-cigarette and tobacco-related community service. <u>Subsequent offenses</u> <ul style="list-style-type: none"> • A fine not to exceed \$100; • Court shall suspend execution of sentence and order e-cigarette and tobacco awareness course; 	Sec. 12.23 Class C misdemeanor (max fine \$500). Under age 17 & two prior convictions, see waiver provisions in chart.	Secs. 729.001 and 729.002 Penalty same as adult defendant. See general and specific penalty clauses throughout Transportation Code.



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	<ul style="list-style-type: none"> Mandatory 8-12 hours drug or alcohol-related community service; DL suspension or denial – 30 days; eff. 11th day after conviction. <p><u>2nd conviction</u></p> <ul style="list-style-type: none"> Class C misdemeanor (max \$500); Optional drug or alcohol awareness program; Mandatory 20-40 hours drug or alcohol-related community service; DL suspension or denial – 60 days; eff. 11th day after conviction. <p><u>3rd conviction</u></p> <ul style="list-style-type: none"> Under age 17: <ul style="list-style-type: none"> See waiver provisions in chart. Age 17 & under 21: <ul style="list-style-type: none"> Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. <p>Complete drug or alcohol awareness program Court may reduce the fine to half the amount assessed.</p> <p>Failure to complete drug or alcohol awareness program 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. 	<ul style="list-style-type: none"> Administrative DL suspension (separate proceeding under Chapters 524 and 724, T.C.—court does not suspend). <p><u>2nd conviction</u></p> <ul style="list-style-type: none"> Class C misdemeanor (max \$500); Optional drug or alcohol awareness program; Mandatory 40 to 60 hours of drug or alcohol-related community service; Administrative DL suspension (separate proceeding—Chapters 524 and 724, T.C.). <p><u>3rd conviction</u></p> <ul style="list-style-type: none"> Under age 17: <ul style="list-style-type: none"> See waiver provisions in chart. Age 17 & under 21: <ul style="list-style-type: none"> Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. <p>Complete drug or alcohol awareness program Court may reduce the fine to half the amount assessed.</p> <p>Failure to complete drug or alcohol awareness program 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. 		<ul style="list-style-type: none"> Upon completion of course, court may reduce fine to not less than half the fine previously imposed by the court; 	sexting, bullying, cyber-bullying, and harassment.	
Appearance	<p>Sec. 106.10, A.B.C.</p> <ul style="list-style-type: none"> Plea of guilty must be in open court. <p>Art. 45.0215, C.C.P.</p>	<p>Sec. 106.10, A.B.C.</p> <ul style="list-style-type: none"> Plea of guilty must be in open court. <p>Art. 45.0215, C.C.P.</p>	<p>Art. 45.0215, C.C.P.</p> <p>Under age 17:</p> <ul style="list-style-type: none"> Must be in open court; 	<p>Art. 45.0215, C.C.P.</p> <p>Under age 17:</p> <ul style="list-style-type: none"> Must be in open court; 	<p>Art. 45.0215, C.C.P.</p> <p>Under age 17, generally, or under age 18 if charged with</p>	<p>Art. 45.0215, C.C.P.</p> <p>Under age 17:</p> <ul style="list-style-type: none"> Must be in open court;



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	<p>Under age 17:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<p>Under age 17:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<ul style="list-style-type: none"> • 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. <p>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.</p>	<ul style="list-style-type: none"> • 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. <p>Age 17 – parent's presence not required.</p> <p>Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's and parent's obligation to notify the court in writing of the child's current address.</p>	<p>Sexting under Section 43.261, P.C.:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<ul style="list-style-type: none"> • 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. <p>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.</p>
Custody Art. 45.058, C.C.P.	<ul style="list-style-type: none"> • A child at least age 10 and under age 17 may be taken into nonsecure custody. • Child may be: <ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> • A child at least age 10 and under age 17 may be taken into nonsecure custody. • Child may be: <ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> • A child at least age 10 and under age 17 may be taken into nonsecure custody. • Child may be: <ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> • A child at least age 10 and under age 17 may be taken into nonsecure custody. • Child may be: <ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> • A child at least age 10 and under age 17 may be taken into nonsecure custody. • Child may be: <ul style="list-style-type: none"> - 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 detained in a juvenile detention facility. 	<ul style="list-style-type: none"> • A child at least age 10 and under age 17 may be taken into nonsecure custody. • Child may be: <ul style="list-style-type: none"> - 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 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</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</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</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</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</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</p>



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	<p>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>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>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>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>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>notify the court of change of address.)</p> <p>Sec. 521.3452, T.C. Court shall 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>
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 <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. <p>All defendants:</p> <ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart. 	<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 <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. <p>All defendants:</p> <ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart. 	<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. 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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 <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. <p>All defendants:</p> <ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart 	<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 <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. <p>All defendants:</p> <ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart
Expunction*	<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, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p>	<p>Art. 45.0216, C.C.P. Fine-only Education Code Offenses:</p> <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; 	<p>Sec. 161.252, H.S.C. On conviction, the court shall give notice to the individual that the individual may apply to the court to have the conviction expunged as provided by Sec. 161.255 on or</p>	<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; 	<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
	Sec. 106.12(d), A.B.C. Court shall charge \$30 reimbursement fee for each application.	Sec. 106.12(d), A.B.C. Court shall charge \$30 reimbursement fee for each application.	<ul style="list-style-type: none"> Child may apply on or after age 17; Apply to trial court; Child makes request under oath; Court shall charge \$30 reimbursement fee. 	after the individual 's 21 st birthday. Sec. 161.255, H.S.C. <ul style="list-style-type: none"> May apply to municipal court to have conviction expunged; Applicant must have completed e-cigarette and tobacco awareness course; May have multiple convictions expunged as long as applicant completed e-cigarette and tobacco awareness course for each conviction. Court shall charge \$30 fee. 	<ul style="list-style-type: none"> Child may apply on or after age 17; Apply to trial court; Child makes request under oath; Court shall charge \$30 reimbursement fee. 	
Child Turns Age 17 after Failure to Appear	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. 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. 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.	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. 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. 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.	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. 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. 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.	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. 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. 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.	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. 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. 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.	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. 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. 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.
Reports	Sec. 51.08(c), F.C. Under age 17 <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. Sec. 521.3451, T.C. <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under 	Sec. 51.08(c), F.C. Under age 17 <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. Sec. 521.3451, T.C. <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under 	Sec. 51.08(c), F.C. Under age 17 <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. Sec. 521.3451, T.C. <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under 	Secs. 521.201(8) and 521.294(6), T.C. Under age 17 <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. Sec. 521.3451, T.C. <ul style="list-style-type: none"> DPS, when case adjudicated. Secs. 521.201(7) and 521.294(5), T.C. <ul style="list-style-type: none"> DPS, when child makes final disposition. 	Sec. 51.08(c), F.C. Under age 17 <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. Sec. 521.3451, T.C. <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under 	Sec. 543.203, T.C. <ul style="list-style-type: none"> Convictions reported to DPS. Sec. 521.3452, T.C. Under age 17 <ul style="list-style-type: none"> Court required to report failure to appear. Secs. 521.201(7) and 521.294(5), T.C. <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated.



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
	<p>Art. 45.050, C.C.P. & court orders suspension or denial of DL;</p> <ul style="list-style-type: none"> 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.</p> <p>All minors</p> <ul style="list-style-type: none"> DPS, upon conviction or order of deferred. <p>Sec. 106.115(d), A.B.C.</p> <p>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>Art. 45.050, C.C.P. & court orders suspension or denial of DL;</p> <ul style="list-style-type: none"> 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.</p> <p>All minors</p> <ul style="list-style-type: none"> DPS, upon conviction or order of deferred. <p>Sec. 106.115(d), A.B.C.</p> <p>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>Art. 45.050, C.C.P. & court orders suspension or denial of DL;</p> <ul style="list-style-type: none"> DPS, when child makes final disposition. <p>Sec. 71.0352, G.C. Report number of cases filed for:</p> <ul style="list-style-type: none"> Referrals to juvenile court for delinquent conduct for contempt Children held in contempt 		<p>Art. 45.050, C.C.P. & court orders suspension or denial of DL;</p> <ul style="list-style-type: none"> 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. 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. 45.057(h), C.C.P.</p> <ul style="list-style-type: none"> Failure to notify the court in writing of the child's current address is a Class C misdemeanor. <p>Art. 45.057, C.C.P.</p> <p>Court may order:</p> <ul style="list-style-type: none"> Attend a parenting class.⁵ 	<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. 45.057(h), C.C.P.</p> <ul style="list-style-type: none"> Failure to notify the court in writing of the child's current address is a Class C misdemeanor. <p>Art. 45.057, C.C.P.</p> <p>Court may order:</p> <ul style="list-style-type: none"> Attend a parenting class.⁵ 	<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> <p>Parent may be charged with the offense of Parent Contributing to Nonattendance, a Class C misdemeanor.</p> <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, C.C.P.</p> <p>Court may order:</p> <ul style="list-style-type: none"> Attend a parenting class.⁵ 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 	<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. 45.057, C.C.P.</p> <p>Court may order:</p> <ul style="list-style-type: none"> Attend a parenting class.⁵ 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 	<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. 45.057, C.C.P.</p> <p>Court may order:</p> <ul style="list-style-type: none"> Attend a parenting class.⁵ 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 	<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. 45.057, C.C.P.</p> <p>Court may order:</p> <ul style="list-style-type: none"> Attend a parenting class.⁵ 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



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"> 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>Sec. 106.115(d), A.B.C.</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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>Sec. 106.115(d), A.B.C.</p> <ul style="list-style-type: none"> 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>increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P.</p> <ul style="list-style-type: none"> Failure to notify the court in writing of the child’s current address is a Class C misdemeanor. 	<p>increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P.</p> <ul style="list-style-type: none"> Failure to notify the court in writing of the child’s current address is a Class C misdemeanor. 	<p>increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P.</p> <ul style="list-style-type: none"> Failure to notify the court in writing of the child’s current address is a Class C misdemeanor. <p>Art. 45.061, C.C.P.</p> <ul style="list-style-type: none"> Parent (or defendant) must pay for court-ordered educational program for child convicted of sexting. 	<p>increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P.</p> <ul style="list-style-type: none"> Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.

¹ Art. 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.

² A “School Offense” is an offense other than a traffic offense that is a Class C Misdemeanor committed by a child enrolled in a public school, and that is committed on property under the control and jurisdiction of a school district. In addition to the requirements imposed by Art. 45.019, C.C.P., a complaint alleging the commission of a school offense must: (1) be sworn to by a person with personal knowledge of the facts; (2) be accompanied by a statement from a school employee stating whether the child is eligible for or receives special services, and the graduated sanctions, if any, imposed prior to the filing of the complaint. An attorney representing the state in a court with jurisdiction over a school offense may adopt rules pertaining to the filing of a complaint under this subchapter that the state considers necessary in order to: (1) determine whether there is probable cause to believe that the child committed the alleged offense; (2) review the circumstances and allegations in the complaint for legal sufficiency; and (3) see that justice is done.

³ Art. 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.

⁴ Art. 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.

⁵ Under 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.