

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1572

By: West

Education

4/16/1999

Committee Report (Substituted)

### **DIGEST**

Currently, offenses of truancy or failure to attend school are tried in the justice precinct court in which the offense was committed. This bill would authorize offenses of truancy or failure to attend school to be tried in justice precinct courts other than where the offense was committed, and would set forth certain responsibilities for parents, legal guardians, or custodians of school aged children; and provide penalties for violations of compulsory school attendance laws.

### **PURPOSE**

As proposed, C.S.S.B. 1572 sets forth certain responsibilities for parents, legal guardians, or custodians of school aged children and provides penalties for violations of compulsory school attendance laws.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1, Article 45.22, Code of Criminal Procedure, to prohibit a person from being tried in any justice precinct court unless the offense with which the person is charged was committed in such precinct with the exception of truancy or failure to attend school, which may be referred to a justice court in any precinct in the county in which a parent of an offender resides or in which the school is located, or except as otherwise provided by provisions of the Education Code or Family Code.

SECTION 2. Amends Section 25.002(f), Education Code, to require a child to be enrolled by the child's parent, guardian, or the child's custodian, for the child to be enrolled in public school. Requires proof that the person enrolling a child is the child's parent, guardian, or custodian, to be provided at the time of enrollment by presentation of certain valid legal documents.

SECTION 3. Amends Sections 25.093(a) - (c), Education Code, to subject a parent to prosecution under Subsection (b) for failure to comply with school attendance requirements after the parent receives a warning in writing regarding the parent's responsibility to ensure the child's attendance in school. Provides that a parent commits an offense if, after being previously warned as described by Subsection (a), the parent with criminal negligence fails to require the child to attend school. Requires an attendance officer to file a complaint against a parent in the county court, in a justice court in any precinct in the county in which the parent resides. Deletes a provision requiring an attendance officer to warn a parent in writing immediately. Deletes text regarding unexcused voluntary absences. Deletes a provision requiring an attendance officer to refer a child to a county juvenile probation department.

SECTION 4. Amends Section 25.094(b), Education Code, to make a conforming change.

SECTION 5. Amends Section 25.095(a), Education Code, to require a school district to notify a student's parent or legal guardian at the beginning of the school year that, if the student is absent from school three days or parts of days within a four-week period without parental consent or 10 days or parts of days unexcused within a six-month period, the parent, legal guardian, or student is subject to prosecution. Deletes text regarding required notification to parents or legal guardians of attendance requirements.

SECTION 6. Amends Section 51.03(e), Family Code, to define "child" for the purposes of Subsection (b)(3), rather than Subdivisions (2) and (3) of Subsection (b).

SECTION 7. Amends Section 51.08, Family Code, by adding Subsection (d), to prohibit a misdemeanor

described by Subsection (b)(1) from being construed to include truant conduct or conduct resulting in a failure to attend school.

SECTION 8. Amends Section 54.021(f), Family Code, to authorize a school attendance officer to refer a person alleged to have engaged in conduct described in Section 51.03(b)(2) to a justice court in any precinct in the county in which, rather than where, the person resides or in which the school is located or to a certain municipal court if the juvenile court waives its jurisdiction as provided by Subsection (a). Makes conforming changes.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: August 1, 1999.

SECTION 11. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Section 1, Article 45.22, Code of Criminal Procedure, to prohibit a person from being tried in any justice precinct court unless the offense with which the person is charged was committed in such precinct except as provided by provisions of the Education Code or Family Code.

#### **SECTION 3.**

Amends Section 25.093, Education Code, to subject a parent to prosecution under Subsection (b) for failure to comply with school attendance requirements after the parent receives a warning in writing. Provides that a parent commits an offense if the parent with criminal negligence fails to require the child to attend school.

#### **SECTION 6.**

Amends Section 51.03, Family Code, to restore proposed deleted text regarding to the purposes for which “child” is defined.

#### **SECTION 7.**

Amends Section 51.08, Family Code, to prohibit a misdemeanor described by Subsection (b)(1) from being construed to include truant conduct or conduct resulting in a failure to attend school.