

BILL ANALYSIS

H.B. 58
By: Hughes
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, jurisdiction for truancy cases exists in justice of the peace courts as well as municipal courts. Moreover, in counties with a population of two million or more, jurisdiction may be waived by a juvenile court and transferred to the constitutional county court for disposition with the permission of the county, justice or municipal court.

House Bill 58 simply adds the statutory county court at law to the list of courts with jurisdiction over truancy cases, thereby allowing for truancy cases to be brought before the statutory county court at law in Harrison County.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

- SECTION 1.** Amends Section 25.1042 of the Government Code by adding Subsection (a) to grant jurisdiction to a county court at law over cases alleging a violation of Sections 25.093 and 25.094 of the Education Code.
- SECTION 2.** Amends Sections 25.093(b) and (d) of the Education Code to require that an attendance officer or other appropriate school official file a complaint against the parent in the statutory county court of the county in which the parent resides or in which the school is located, if the statutory county court has jurisdiction over the proceeding.
- SECTION 3.** Amends Section 25.094(b) of the Education Code to provide that an offense under this section may be prosecuted in the statutory county court of the county in which the individual resides or in which the school is located, if the statutory county court has jurisdiction over the proceeding.
- SECTION 4.** Amends Sections 54.021(a), (d), and (e) of the Family Code to allow a juvenile court to waive exclusive original jurisdiction and transfer a child to the statutory county court at law if the statutory county court at law has jurisdiction over the proceeding. Makes additional conforming changes to the Family Code.
- SECTION 5.** Amends Section 71.0352 of the Government Code to require county courts with jurisdiction over truancy cases to report the number of cases filed for violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903 of the Local Government Code to the Office of Court Administration. Makes conforming changes, including renumbering of sections.
- SECTION 6.** (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. (b) An offense committed before the effective date of this Act is covered by the law in effect when

the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005