

By: Hughes

H.B. No. 58

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the statutory county court of Harrison County over truancy cases.

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

SECTION 1. Section 25.1042, Government Code, is amended by adding Subsection (a) to read as follows:

(a) Notwithstanding any other law, a county court at law has original jurisdiction over cases alleging a violation of Sections 25.093 and 25.094, Education Code.

SECTION 2. Sections 25.093(b) and (d), Education Code, are amended to read as follows:

(b) The attendance officer or other appropriate school official shall file a complaint against the parent in:

(1) the constitutional county court of the county in which the parent resides or in which the school is located, if the county has a population of two million or more;

(2) a justice court of any precinct in the county in which the parent resides or in which the school is located; ~~or~~

(3) a municipal court of the municipality in which the parent resides or in which the school is located; or

(4) 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.

(d) A fine collected under this section shall be deposited

1 as follows:

2 (1) one-half shall be deposited to the credit of the  
3 operating fund of, as applicable:

4 (A) the school district in which the child  
5 attends school;

6 (B) the open-enrollment charter school the child  
7 attends; or

8 (C) the juvenile justice alternative education  
9 program that the child has been ordered to attend; and

10 (2) one-half shall be deposited to the credit of:

11 (A) the general fund of the county, if the  
12 complaint is filed in the justice court or the [~~constitutional~~]  
13 county court; or

14 (B) the general fund of the municipality, if the  
15 complaint is filed in municipal court.

16 SECTION 3. Section 25.094(b), Education Code, is amended to  
17 read as follows:

18 (b) An offense under this section may be prosecuted in:

19 (1) the constitutional county court of the county in  
20 which the individual resides or in which the school is located, if  
21 the county has a population of two million or more;

22 (2) a justice court of any precinct in the county in  
23 which the individual resides or in which the school is located; [~~or~~]

24 (3) a municipal court in the municipality in which the  
25 individual resides or in which the school is located; or

26 (4) the statutory county court of the county in which  
27 the individual resides or in which the school is located, if the

1 statutory county court has jurisdiction over the proceeding.

2 SECTION 4. Sections 54.021(a), (d), and (e), Family Code,  
3 are amended to read as follows:

4 (a) The juvenile court may waive its exclusive original  
5 jurisdiction and transfer a child to the constitutional county  
6 court, if the county has a population of two million or more, to the  
7 statutory county court, if the statutory county court has  
8 jurisdiction over the proceeding, or to an appropriate justice or  
9 municipal court, with the permission of the county, justice, or  
10 municipal court, for disposition in the manner provided by  
11 Subsection (b) if the child is alleged to have engaged in conduct  
12 described in Section 51.03(b)(2). A waiver of jurisdiction under  
13 this subsection may be for an individual case or for all cases in  
14 which a child is alleged to have engaged in conduct described in  
15 Section 51.03(b)(2). The waiver of a juvenile court's exclusive  
16 original jurisdiction for all cases in which a child is alleged to  
17 have engaged in conduct described in Section 51.03(b)(2) is  
18 effective for a period of one year.

19 (d) Notwithstanding any other law, the costs assessed in a  
20 case filed in or transferred to a [~~constitutional~~] county court for  
21 an offense under Section 25.093 or 25.094, Education Code, must be  
22 the same as the costs assessed for a case filed in a justice court  
23 for an offense under Section 25.093 or 25.094, Education Code.

24 (e) The proceedings before a [~~constitutional~~] county court  
25 related to an offense under Section 25.093 or 25.094, Education  
26 Code, may be recorded in any manner provided by Section 30.00010,  
27 Government Code, for recording proceedings in a municipal court of

1 record.

2 SECTION 5. Section 71.0352, Government Code, is amended to  
3 read as follows:

4 Sec. 71.0352. JUVENILE DATE: JUSTICE, MUNICIPAL, COUNTY,  
5 AND JUVENILE COURTS. As a component of the official monthly report  
6 submitted to the Office of Court Administration of the Texas  
7 Judicial System:

8 (1) justice, county, and municipal courts shall report  
9 the number of cases filed for the following offenses:

10 (A) failure to attend school under Section  
11 25.094, Education Code; and

12 (B) parent contributing to nonattendance under  
13 Section 25.093, Education Code; [~~and~~]

14 (2) justice and municipal courts shall report the  
15 number of cases filed for [~~(C)~~] violation of a local daytime curfew  
16 ordinance adopted under Section 341.905 or 351.903, Local  
17 Government Code; and

18 (3) [~~(2)~~] in cases in which a child fails to obey an  
19 order of a justice or municipal court under circumstances that  
20 would constitute contempt of court, the justice or municipal court  
21 shall report the number of incidents in which the child is:

22 (A) referred to the appropriate juvenile court  
23 for delinquent conduct as provided by Article 45.050(c)(1), Code of  
24 Criminal Procedure, and Section 51.03(a)(2), Family Code; or

25 (B) held in contempt, fined, or denied driving  
26 privileges as provided by Article 45.050(c)(2), Code of Criminal  
27 Procedure.

1           SECTION 6. (a) The change in law made by this Act applies  
2 only to an offense committed on or after the effective date of this  
3 Act. For purposes of this section, an offense is committed before  
4 the effective date of this Act if any element of the offense occurs  
5 before that date.

6           (b) An offense committed before the effective date of this  
7 Act is covered by the law in effect when the offense was committed,  
8 and the former law is continued in effect for that purpose.

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