

By: Grusendorf, Oliveira, Escobar, Gattis,  
et al.

H.B. No. 316

A BILL TO BE ENTITLED

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AN ACT

relating to a child's failure to attend school.

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

SECTION 1. Section 25.091, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

(2) to enforce compulsory school attendance requirements by:

(A) referring a student to a juvenile court or filing a complaint against a student in a district, county, justice, or municipal court if the student has unexcused absences for the amount of time specified under Section 25.094 or under Section 51.03(b)(2), Family Code; and

(B) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to serve court-ordered legal process;

(4) to review school attendance records for compliance by each student investigated by the officer;

1           (5) to maintain an investigative record on each  
2 compulsory school attendance requirement violation and related  
3 court action and, at the request of a court, the board of trustees  
4 of a school district, or the commissioner, to provide a record to  
5 the individual or entity requesting the record;

6           (6) to make a home visit or otherwise contact the  
7 parent of a student who is in violation of compulsory school  
8 attendance requirements, except that a peace officer may not enter  
9 a residence without the permission of the parent of a student  
10 required under this subchapter to attend school or of the tenant or  
11 owner of the residence except to lawfully serve court-ordered legal  
12 process on the parent; and

13           (7) to take a student into custody with the permission  
14 of the student's parent or in obedience to a court-ordered legal  
15 process.

16           (a-1) A peace officer who is not serving as an attendance  
17 officer has the following powers concerning enforcement of  
18 compulsory school attendance requirements:

19           (1) to enforce compulsory school attendance  
20 requirements by:

21           (A) referring a student to a juvenile court or  
22 filing a complaint against a student in a district, county,  
23 justice, or municipal court if the student has unexcused absences  
24 for the amount of time specified under Section 25.094 or under  
25 Section 51.03(b)(2), Family Code; and

26           (B) filing a complaint in a county, justice, or  
27 municipal court against a parent who violates Section 25.093;

1           (2) to serve court-ordered legal process;

2           (3) to make a home visit or otherwise contact the  
3 parent of a student who is in violation of compulsory school  
4 attendance requirements, except that a peace officer may not enter  
5 a residence without the permission of the parent of a student  
6 required under this subchapter to attend school or of the tenant or  
7 owner of the residence except to lawfully serve court-ordered legal  
8 process on the parent; and

9           (4) to take a student into custody with the permission  
10 of the student's parent or in obedience to a court-ordered legal  
11 process.

12           (b) An attendance officer employed by a school district who  
13 is not commissioned as a peace officer has the following powers and  
14 duties with respect to enforcement of compulsory school attendance  
15 requirements:

16           (1) to investigate each case of a violation of the  
17 compulsory school attendance requirements referred to the  
18 attendance officer;

19           (2) to enforce compulsory school attendance  
20 requirements by:

21           (A) referring a student to a juvenile court or  
22 filing a complaint against a student in a district, county,  
23 justice, or municipal court if the student has unexcused absences  
24 for the amount of time specified under Section 25.094 or under  
25 Section 51.03(b)(2), Family Code; and

26           (B) filing a complaint in a county, justice, or  
27 municipal court against a parent who violates Section 25.093;

1           (3) to monitor school attendance compliance by each  
2 student investigated by the officer;

3           (4) to maintain an investigative record on each  
4 compulsory school attendance requirement violation and related  
5 court action and, at the request of a court, the board of trustees  
6 of a school district, or the commissioner, to provide a record to  
7 the individual or entity requesting the record;

8           (5) to make a home visit or otherwise contact the  
9 parent of a student who is in violation of compulsory school  
10 attendance requirements, except that the attendance officer may not  
11 enter a residence without permission of the parent or of the owner  
12 or tenant of the residence;

13           (6) at the request of a parent, to escort a student  
14 from any location to a school campus to ensure the student's  
15 compliance with compulsory school attendance requirements; and

16           (7) if the attendance officer has or is informed of a  
17 court-ordered legal process directing that a student be taken into  
18 custody and the school district employing the officer does not  
19 employ its own police department, to contact the sheriff,  
20 constable, or any peace officer to request that the student be taken  
21 into custody and processed according to the legal process.

22           SECTION 2. Section 25.093(a), Education Code, is amended to  
23 read as follows:

24           (a) If a warning is issued as required by Section 25.095(b)  
25 [~~25.095(a)~~], the parent with criminal negligence fails to require  
26 the child to attend school as required by law, and the child has  
27 absences for the amount of time specified under Section 25.094, the

1 parent commits an offense.

2 SECTION 3. Section 25.094, Education Code, is amended by  
3 amending Subsections (a), (b), (c), (d), and (d-1) and adding  
4 Subsection (e-1) to read as follows:

5 (a) An individual commits an offense if the individual:

6 (1) is required to attend school under Section 25.085;  
7 and

8 (2) fails to attend school on seven [~~10~~] or more days  
9 or parts of days within a three-month [~~six-month~~] period in the same  
10 school year or on three or more days or parts of days within a  
11 four-week period.

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

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

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

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

20 (4) a district court for the county in which the  
21 student resides or in which the school is located.

22 (c) On a finding by the district, county, justice, or  
23 municipal court that the individual has committed an offense under  
24 Subsection (a) or on a finding by a juvenile court in a county with a  
25 population of less than 100,000 that the individual has engaged in  
26 conduct that violates Subsection (a), the court may enter an order  
27 that includes one or more of the requirements listed in Article

1 45.054, Code of Criminal Procedure[, ~~as added by Chapter 1514, Acts~~  
2 ~~of the 77th Legislature, Regular Session, 2001~~].

3 (d) If the district, county, justice, or municipal court  
4 believes that a child has violated an order issued under Subsection  
5 (c), the court may proceed as authorized by Article 45.050, Code of  
6 Criminal Procedure.

7 (d-1) Pursuant to an order of the district, county, justice,  
8 or municipal court based on an affidavit showing probable cause to  
9 believe that an individual has committed an offense under this  
10 section, a peace officer may take the individual into custody. A  
11 peace officer taking an individual into custody under this  
12 subsection shall:

13 (1) promptly notify the individual's parent, guardian,  
14 or custodian of the officer's action and the reason for that action;  
15 and

16 (2) without unnecessary delay:

17 (A) release the individual to the individual's  
18 parent, guardian, or custodian or to another responsible adult, if  
19 the person promises to bring the individual to the district,  
20 county, justice, or municipal court as requested by the court; or

21 (B) bring the individual to a district, county,  
22 justice, or municipal court with venue over the offense.

23 (e-1) Each day of a violation under this section may  
24 constitute a separate offense.

25 SECTION 4. Section 25.095, Education Code, is amended by  
26 amending Subsections (a) and (b) and adding Subsection (b-1) to  
27 read as follows:

1           (a) A school district or open-enrollment charter school  
2 shall notify a student's parent in writing at the beginning of the  
3 school year that if the student is absent from school on seven [~~10~~]  
4 or more days or parts of days within a three-month [~~six-month~~]  
5 period in the same school year or on three or more days or parts of  
6 days within a four-week period:

7                   (1) the student's parent is subject to prosecution  
8 under Section 25.093; and

9                   (2) the student is subject to prosecution under  
10 Section 25.094 or to referral to a juvenile court in a county with a  
11 population of less than 100,000 for conduct that violates that  
12 section.

13           (b) A school district shall notify a student's parent by  
14 telephone and in writing if the student has been absent from school,  
15 without excuse under Section 25.087, on three days or parts of days  
16 within a four-week period. The notice must:

17                   (1) inform the parent that:

18                           (A) it is the parent's duty to monitor the  
19 student's school attendance and require the student to attend  
20 school; and

21                           (B) the parent is subject to prosecution under  
22 Section 25.093; and

23                   (2) require the parent to attend in person or by  
24 telephone [~~request~~] a conference between school officials and the  
25 parent to:

26                           (A) discuss the absences;

27                           (B) develop a plan specifically for the student

1 for improving the student's school attendance; and

2 (C) review the legal consequences of a student's  
3 continuing unexcused absences.

4 (b-1) In addition to providing notice to a student's parent  
5 under Subsection (b), the school district shall notify a counselor  
6 at the student's school, or in the student's school district if the  
7 student's school does not have a counselor, if a student has been  
8 absent from school, without excuse under Section 25.087, on three  
9 or more days or parts of days within a four-week period. To the  
10 extent practicable, on receiving the notification, the counselor  
11 shall perform an assessment of the student, including the student's  
12 academic progress, to use in developing the plan required under  
13 Subsection (b)(2)(B).

14 SECTION 5. Sections 25.0951(a) and (b), Education Code, are  
15 amended to read as follows:

16 (a) If a student fails to attend school without excuse on  
17 seven [10] or more days or parts of days within a three-month  
18 [six-month] period in the same school year, a school district  
19 shall, not later than the 15th school day after the date of the  
20 student's last absence:

21 (1) file a complaint against the student or the  
22 student's parent or both in a district, county, justice, or  
23 municipal court for an offense under Section 25.093 or 25.094, as  
24 appropriate, or refer the student to a juvenile court in a county  
25 with a population of less than 100,000 for conduct that violates  
26 Section 25.094; or

27 (2) refer the student to a juvenile court for conduct



1 indicating a need for supervision under Section 51.03(b)(2), Family  
2 Code.

3 (b) If a student fails to attend school without excuse on  
4 three or more days or parts of days within a four-week period but  
5 does not fail to attend school for the time described by Subsection  
6 (a), the school district may, not later than the 15th school day  
7 after the date of the student's last absence:

8 (1) file a complaint against the student or the  
9 student's parent or both in a district, county, justice, or  
10 municipal court for an offense under Section 25.093 or 25.094, as  
11 appropriate, or refer the student to a juvenile court in a county  
12 with a population of less than 100,000 for conduct that violates  
13 Section 25.094; or

14 (2) refer the student to a juvenile court for conduct  
15 indicating a need for supervision under Section 51.03(b)(2), Family  
16 Code.

17 SECTION 6. Section 51.03(b), Family Code, is amended to  
18 read as follows:

19 (b) Conduct indicating a need for supervision is:

20 (1) subject to Subsection (f), conduct, other than a  
21 traffic offense, that violates:

22 (A) the penal laws of this state of the grade of  
23 misdemeanor that are punishable by fine only; or

24 (B) the penal ordinances of any political  
25 subdivision of this state;

26 (2) the absence of a child on seven [~~10~~] or more days  
27 or parts of days within a three-month [~~six-month~~] period in the same

1 school year or on three or more days or parts of days within a  
2 four-week period from school;

3 (3) the voluntary absence of a child from the child's  
4 home without the consent of the child's parent or guardian for a  
5 substantial length of time or without intent to return;

6 (4) conduct prohibited by city ordinance or by state  
7 law involving the inhalation of the fumes or vapors of paint and  
8 other protective coatings or glue and other adhesives and the  
9 volatile chemicals itemized in Section 484.002, Health and Safety  
10 Code;

11 (5) an act that violates a school district's  
12 previously communicated written standards of student conduct for  
13 which the child has been expelled under Section 37.007(c),  
14 Education Code; or

15 (6) conduct that violates a reasonable and lawful  
16 order of a court entered under Section 264.305.

17 SECTION 7. Section 51.08, Family Code, is amended by adding  
18 Subsection (e) to read as follows:

19 (e) A juvenile court may not refuse to accept the transfer  
20 of a case brought under Section 25.094, Education Code, for a child  
21 described by Subsection (b)(1) if a prosecuting attorney for the  
22 court determines under Section 53.012 that the case is legally  
23 sufficient under Section 53.01 for adjudication in juvenile court.

24 SECTION 8. The heading to Section 54.021, Family Code, is  
25 amended to read as follows:

26 Sec. 54.021. DISTRICT, COUNTY, JUSTICE, OR MUNICIPAL COURT:  
27 TRUANCY.

1 SECTION 9. Sections 54.021(a), (b), and (c), Family Code,  
2 are amended to read as follows:

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

17 (b) A district, county, justice, or municipal court may  
18 exercise jurisdiction over a person alleged to have engaged in  
19 conduct indicating a need for supervision by engaging in conduct  
20 described in Section 51.03(b)(2) in a case where:

21 (1) the juvenile court has waived its original  
22 jurisdiction under this section; and

23 (2) a complaint is filed by the appropriate authority  
24 in the district, county, justice, or municipal court charging an  
25 offense under Section 25.094, Education Code.

26 (c) A proceeding in a district, county, justice, or  
27 municipal court on a complaint charging an offense under Section

1 25.094, Education Code, is governed by Chapter 45, Code of Criminal  
2 Procedure.

3 SECTION 10. Sections 54.04(o) and (u), Family Code, are  
4 amended to read as follows:

5 (o) In a disposition under this title:

6 (1) a status offender may not, under any  
7 circumstances, be committed to the Texas Youth Commission for  
8 engaging in conduct that would not, under state or local law, be a  
9 crime if committed by an adult;

10 (2) a status offender may not, under any circumstances  
11 other than as provided under Subsection (n), be placed in a  
12 post-adjudication secure correctional facility; and

13 (3) a child adjudicated for contempt of a district,  
14 county, justice, or municipal court order may not, under any  
15 circumstances, be placed in a post-adjudication secure  
16 correctional facility or committed to the Texas Youth Commission  
17 for that conduct.

18 (u) For the purposes of disposition under Subsection  
19 (d)(2), delinquent conduct that violates a penal law of this state  
20 of the grade of felony or misdemeanor does not include conduct that  
21 violates a lawful order of a district, county, municipal, justice,  
22 or juvenile court under circumstances that would constitute  
23 contempt of that court.

24 SECTION 11. Section 264.304(c), Family Code, is amended to  
25 read as follows:

26 (c) The court shall determine that the child is an at-risk  
27 child if the court finds that the child has engaged in the following

1 conduct:

2 (1) conduct, other than a traffic offense and except  
3 as provided by Subsection (d), that violates:

4 (A) the penal laws of this state; or

5 (B) the penal ordinances of any political  
6 subdivision of this state;

7 (2) the unexcused voluntary absence of the child on  
8 seven [~~10~~] or more days or parts of days within a three-month  
9 [~~six-month~~] period or three or more days or parts of days within a  
10 four-week period from school without the consent of the child's  
11 parent, managing conservator, or guardian;

12 (3) the voluntary absence of the child from the child's  
13 home without the consent of the child's parent, managing  
14 conservator, or guardian for a substantial length of time or  
15 without intent to return;

16 (4) conduct that violates the laws of this state  
17 prohibiting driving while intoxicated or under the influence of  
18 intoxicating liquor (first or second offense) or driving while  
19 under the influence of any narcotic drug or of any other drug to a  
20 degree that renders the child incapable of safely driving a vehicle  
21 (first or second offense); or

22 (5) conduct that evidences a clear and substantial  
23 intent to engage in any behavior described by Subdivisions (1)-(4).

24 SECTION 12. Article 45.054(a), Code of Criminal Procedure,  
25 is amended to read as follows:

26 (a) On a finding by a district, county, justice, or  
27 municipal court that an individual has committed an offense under

1 Section 25.094, Education Code, the court has jurisdiction to enter  
2 an order that includes one or more of the following provisions  
3 requiring that:

4 (1) the individual:

5 (A) attend school without unexcused absences;

6 (B) attend a preparatory class for the high  
7 school equivalency examination administered under Section 7.111,  
8 Education Code, if the court determines that the individual is too  
9 old to do well in a formal classroom environment; or

10 (C) if the individual is at least 16 years of age,  
11 take the high school equivalency examination administered under  
12 Section 7.111, Education Code;

13 (2) the individual attend a special program that the  
14 court determines to be in the best interest of the individual,  
15 including:

16 (A) an alcohol and drug abuse program;

17 (B) a rehabilitation program;

18 (C) a counseling program, including  
19 self-improvement counseling;

20 (D) a program that provides training in  
21 self-esteem and leadership;

22 (E) a work and job skills training program;

23 (F) a program that provides training in  
24 parenting, including parental responsibility;

25 (G) a program that provides training in manners;

26 (H) a program that provides training in violence  
27 avoidance;

1 (I) a program that provides sensitivity  
2 training; and

3 (J) a program that provides training in advocacy  
4 and mentoring;

5 (3) the individual and the individual's parent attend  
6 a class for students at risk of dropping out of school designed for  
7 both the individual and the individual's parent;

8 (4) the individual complete reasonable community  
9 service requirements; or

10 (5) for the total number of hours ordered by the court,  
11 the individual participate in a tutorial program covering the  
12 academic subjects in which the student is enrolled provided by the  
13 school the individual attends.

14 SECTION 13. Article 45.057(c), Code of Criminal Procedure,  
15 is amended to read as follows:

16 (c) The justice or municipal court may order the parent,  
17 managing conservator, or guardian of a child required to attend a  
18 program under Subsection (b) to pay an amount not greater than \$350  
19 [~~\$100~~] to pay for the costs of the program.

20 SECTION 14. Section 103.022, Government Code, is amended to  
21 read as follows:

22 Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following  
23 fees and costs shall be paid or collected as follows:

24 (1) fee for use of an interpreter in civil cases (Sec.  
25 21.051, Civil Practice and Remedies Code) . . . \$3;

26 (2) fee for custodian of a record compelled by a court  
27 to produce or certify the record (Sec. 22.004, Civil Practice and

1 Remedies Code) . . . \$1;

2 (3) cost for use of certified copy of the record of  
3 names of all trustees appointed by any state organization of a  
4 religious congregation in this state (Sec. 126.012, Civil Practice  
5 and Remedies Code) . . . \$1.50;

6 (4) filing of a restitution lien (Art. 42.22, Code of  
7 Criminal Procedure) . . . \$5;

8 (5) issuance and service of a warrant of arrest for  
9 certain offenses if prescribed by the municipality (Art. 45.203,  
10 Code of Criminal Procedure) . . . not to exceed \$25;

11 (6) filing a certified copy of a judicial finding of  
12 fact and conclusion of law if charged by the secretary of state  
13 (Sec. 51.905, Government Code) . . . \$15;

14 (7) costs of determining and sending information  
15 concerning the identity of the court with continuing, exclusive  
16 jurisdiction if charged by the bureau of vital statistics (Sec.  
17 108.006, Family Code) . . . reasonable fee;

18 (8) initial operations fee paid to domestic relations  
19 office on filing of a suit affecting the parent-child relationship,  
20 if authorized by the administering entity (Sec. 203.005, Family  
21 Code) . . . not to exceed \$15;

22 (9) initial child support service fee paid to domestic  
23 relations office in certain counties on filing of a suit affecting  
24 the parent-child relationship, if authorized by the administering  
25 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

26 (10) service fee for services of a domestic relations  
27 office, if authorized by the administering entity (Sec. 203.005,



1 Family Code) . . . not to exceed \$3 per month;

2 (11) fee from a Title IV-D agency for each item of  
3 process to each individual on whom service is required, including  
4 service by certified or registered mail (Sec. 231.202, Family  
5 Code) . . . the amount that a sheriff or constable may charge for  
6 serving process under Section 118.131, Local Government Code;

7 (12) a copy of records of spousal or child support and  
8 fees administered in Dallas County if authorized by the local  
9 administrative judge (Sec. 152.0634, Human Resources Code) . . .  
10 not to exceed \$2 per page;

11 (13) collecting, disbursing, or monitoring spousal or  
12 child support payments in Dallas County (Sec. 152.0635, Human  
13 Resources Code) . . . not to exceed \$3 per month;

14 (14) fee for adoption, family, and home study  
15 investigations in an adoption in Dallas County (Sec. 152.0635,  
16 Human Resources Code) . . . not to exceed \$250;

17 (15) certain transactions with respect to a suit for  
18 spousal support or a suit affecting the parent-child relationship  
19 in Harris County, if authorized by the county commissioners court  
20 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per  
21 transaction;

22 (16) child support service fee in Nueces County, if  
23 authorized by the county commissioners court (Sec. 152.1844, Human  
24 Resources Code) . . . not to exceed \$5 per month;

25 (17) services by the offices of the sheriff and  
26 constables (Sec. 118.131, Local Government Code) . . . amount set  
27 by county commissioners court;

1 (18) cost paid by each surety posting the bail bond for  
2 an offense other than a misdemeanor punishable by fine only under  
3 Chapter 17, Code of Criminal Procedure, for the felony prosecutor  
4 supplement fund and the fair defense account (Sec. 41.258,  
5 Government Code) . . . \$15, provided the cost does not exceed \$30  
6 for all bail bonds posted at that time for an individual and the  
7 cost is not required on the posting of a personal or cash bond;

8 (19) appraiser's fee as court costs for determining  
9 the fair value of ownership interests of owners who have perfected  
10 their rights (Sec. 10.365, Business Organizations Code) . . . a  
11 reasonable fee; ~~and~~

12 (20) to participate in a court proceeding in this  
13 state, a nonresident attorney fee for civil legal services to the  
14 indigent (Sec. 82.0361, Government Code) . . . \$250 except as  
15 waived or reduced under supreme court rules for representing an  
16 indigent person; and

17 (21) costs of participating in a program on order of a  
18 justice or municipal court (Art. 45.057, Code of Criminal  
19 Procedure) . . . not to exceed \$350.

20 SECTION 15. Sections 29.0821(b) and (c), Education Code,  
21 are amended to read as follows:

22 (b) To enable a school district to provide additional  
23 instructional days for a program under this section, with the  
24 approval of the commissioner, a school district may~~+~~

25 ~~[(1) provide a number of days of instruction during~~  
26 ~~the regular school year that is not more than 10 days fewer than the~~  
27 ~~number required under Section 25.081(a), and~~

1           ~~[(2)]~~ use for instructional purposes not more than  
2 five days that would otherwise be used for staff development or  
3 teacher preparation.

4           (c) Notwithstanding any reduction ~~[in the number of~~  
5 ~~instructional days in the regular school year or]~~ in the number of  
6 staff development days, each educator employed under a 10-month  
7 contract must provide the minimum days of service required under  
8 Section 21.401.

9           SECTION 16. Section 25.081(a), Education Code, is amended  
10 to read as follows:

11           (a) Except as authorized under Subsection (b) of this  
12 section or ~~[7]~~ Section 25.084, ~~[or Section 29.0821,]~~ for each school  
13 year each school district must operate so that the district  
14 provides for at least 180 days of instruction for students.

15           SECTION 17. Section 42.005(a), Education Code, is amended  
16 to read as follows:

17           (a) In this chapter, average daily attendance is~~+~~  
18           ~~[(1)]~~ the quotient of the sum of attendance for each  
19 day of the minimum number of days of instruction as described under  
20 Section 25.081(a) divided by the minimum number of days of  
21 instruction~~[, or~~

22           ~~[(2) for a district that operates under a flexible~~  
23 ~~year program under Section 29.0821, the quotient of the sum of~~  
24 ~~attendance for each actual day of instruction as permitted by~~  
25 ~~Section 29.0821(b)(1) divided by the number of actual days of~~  
26 ~~instruction as permitted by Section 29.0821(b)(1)].~~

27           SECTION 18. (a) Except as provided by Subsection (b) of

1 this section, the change in law made by this Act applies only to an  
2 offense committed on or after September 1, 2005. An offense  
3 committed before September 1, 2005, is covered by the law in effect  
4 when the offense was committed, and the former law is continued in  
5 effect for that purpose. For the purposes of this subsection, an  
6 offense was committed before September 1, 2005, if any element of  
7 the offense occurred before that date.

8 (b) Section 51.08, Family Code, as amended by this Act,  
9 applies only to the transfer of a case to juvenile court that occurs  
10 on or after the effective date of this Act. A transfer that occurs  
11 before the effective date of this Act is governed by the law in  
12 effect when the transfer occurred, and the former law is continued  
13 in effect for that purpose.

14 SECTION 19. This Act takes effect September 1, 2005.