

By: Madden

H.B. No. 1302

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the penalty for a parent who fails to require a child to
3 attend school.

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

5 SECTION 1. Section 25.093, Education Code, is amended by
6 amending Subsections (b), (c), and (d) and adding Subsection (b-1)
7 to read as follows:

8 (b) Except as provided by Subsection (b-1), the ~~[The]~~
9 attendance officer or other appropriate school official shall file
10 a complaint against the parent in:

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

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

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

18 (b-1) If the parent has previously been convicted under this
19 section at least twice, the attendance officer or other appropriate
20 school official shall file a complaint against the parent in the
21 constitutional or statutory county court of the county in which the
22 parent resides or in which the school is located.

23 (c) An offense under Subsection (a) is a Class C
24 misdemeanor, unless the person has previously been convicted under

1 this section at least twice, in which case the offense is a Class B
2 misdemeanor. Each day the child remains out of school may
3 constitute a separate offense. Two or more offenses under
4 Subsection (a) may be consolidated and prosecuted in a single
5 action. If the court orders deferred disposition under Article
6 45.051, Code of Criminal Procedure, the court may require the
7 defendant to provide personal services to a charitable or
8 educational institution as a condition of the deferral.

9 (d) A fine collected under this section shall be deposited
10 as follows:

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

13 (A) the school district in which the child
14 attends school;

15 (B) the open-enrollment charter school the child
16 attends; or

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

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

20 (A) the general fund of the county, if the
21 complaint is filed in the justice court or the constitutional or
22 statutory county court; or

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

25 SECTION 2. Section 25.093, Education Code, as amended by
26 this Act, applies only to an offense committed on or after the
27 effective date of this Act. An offense committed before the

1 effective date of this Act is governed by the law in effect at the
2 time the offense is committed, and the former law is continued in
3 effect for that purpose. For purposes of this section, an offense
4 is committed before the effective date of this Act if any element of
5 the offense is committed before the effective date.

6 SECTION 3. This Act takes effect September 1, 2005.