

BILL ANALYSIS

Senate Research Center
80R17049 E

C.S.S.B. 217
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Education
4/25/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, parents convicted of contributing to the nonattendance of their school-aged children are guilty of a Class C misdemeanor. Because this is the maximum penalty, some parents choose to pay the fine repeatedly rather than take steps to guarantee their child's attendance. Judges estimate that around 10 percent of parents are repeat offenders who fail to take the offense seriously. More importantly, these children are missing the education that they need. By increasing the punishment for repeat offenders to Class B, judges would have the ability to levy a higher fine or jail time.

C.S.S.B. 217 authorizes a school district to file a complaint against and increases the penalty for parents convicted of contributing to nonattendance from a Class C misdemeanor to a Class B misdemeanor if that parent has been previously convicted at least twice during the same school year for conduct relating to the same child, if that parent received the maximum fine permitted under a Class C on a previous conviction, and if none of the previous absences were attributed to the child on the basis of a child's tardy arrival. By increasing the punishment for repeat offenders to Class B, judges would have the ability to levy a higher fine or jail time.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.093, Education Code, by adding Subsections (b-1) and (c-1) and amending Subsections (c) and (d), as follows:

(b-1) Authorizes the attendance officer or other appropriate school official, notwithstanding Subsection (b), to file a complaint in a constitutional or statutory county court against a parent who has been previously convicted under this section (Parent Contributing to Nonattendance) at least twice during the same school year for conduct relating to the same child.

(c) Provides that an offense under Subsection (a) (providing that a parent commits an offense once a warning is issued if the child does not attend school for a certain amount of time) constitutes a Class C misdemeanor, except that an offense is a Class B misdemeanor if the person has previously been convicted under this section at least twice during the same school year for conduct relating to the same child and assessed the maximum fine permitted under Section 12.23 (Class C Misdemeanor), Penal Code, at least once, and none of the child's absences on which the offense or the previous convictions were based were attributed to the child on the basis of the child's tardy arrival on a school day.

(c-1) Redesignated from existing Subsection (c).

(d) Requires half of the fine collected under this section to be deposited into the general fund of the county if the complaint is filed in the justice court or the constitutional or statutory county court.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.