

By: Miles

H.B. No. 2594

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of law-enforcement officers to escort a  
3 child to a school campus to ensure the child's compliance with  
4 compulsory school attendance requirements.

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

6 SECTION 1. Section 52.01, Family Code, is amended by adding  
7 Subsection (e) to read as follows:

8 (e) A law-enforcement officer who has probable cause to  
9 believe that a child is engaging in conduct indicating a need for  
10 supervision for truancy under Section 51.03(b)(2) and who, as a  
11 result of that belief, issues a warning notice to the child may  
12 escort the child to the school campus of the child to ensure the  
13 child's compliance with compulsory school attendance requirements.

14 SECTION 2. Section 52.02, Family Code, is amended by  
15 amending Subsection (a) and adding Subsection (e) to read as  
16 follows:

17 (a) Except as otherwise provided by this section  
18 [~~Subsection (c)~~], a person taking a child into custody, without  
19 unnecessary delay and without first taking the child to any place  
20 other than a juvenile processing office designated under Section  
21 52.025, shall do one of the following:

22 (1) release the child to a parent, guardian, custodian  
23 of the child, or other responsible adult upon that person's promise  
24 to bring the child before the juvenile court as requested by the

1 court;

2 (2) bring the child before the office or official  
3 designated by the juvenile board if there is probable cause to  
4 believe that the child engaged in delinquent conduct, conduct  
5 indicating a need for supervision, or conduct that violates a  
6 condition of probation imposed by the juvenile court;

7 (3) bring the child to a detention facility designated  
8 by the juvenile board;

9 (4) bring the child to a secure detention facility as  
10 provided by Section 51.12(j);

11 (5) bring the child to a medical facility if the child  
12 is believed to suffer from a serious physical condition or illness  
13 that requires prompt treatment; or

14 (6) dispose of the case under Section 52.03.

15 (e) A law-enforcement officer who has probable cause to  
16 believe that a child is engaging in conduct indicating a need for  
17 supervision for truancy under Section 51.03(b)(2) and who, as a  
18 result of that belief, takes the child into custody may, before  
19 complying with Subsection (a), escort the child to the school  
20 campus of the child to ensure the child's compliance with  
21 compulsory school attendance requirements.

22 SECTION 3. Section 25.091(a), Education Code, is amended to  
23 read as follows:

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

27 (1) to investigate each case of a violation of

1 compulsory school attendance requirements referred to the peace  
2 officer;

3 (2) to enforce compulsory school attendance  
4 requirements by:

5 (A) referring a student to a juvenile court or  
6 filing a complaint against a student in a county, justice, or  
7 municipal court if the student has unexcused absences for the  
8 amount of time specified under Section 25.094 or under Section  
9 51.03(b)(2), Family Code; and

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

12 (3) to serve court-ordered legal process;

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

15 (5) to maintain an investigative record on each  
16 compulsory school attendance requirement violation and related  
17 court action and, at the request of a court, the board of trustees  
18 of a school district, or the commissioner, to provide a record to  
19 the individual or entity requesting the record;

20 (6) to make a home visit or otherwise contact the  
21 parent of a student who is in violation of compulsory school  
22 attendance requirements, except that a peace officer may not enter  
23 a residence without the permission of the parent of a student  
24 required under this subchapter to attend school or of the tenant or  
25 owner of the residence except to lawfully serve court-ordered legal  
26 process on the parent; ~~and~~

27 (7) to take a student into custody with the permission

1 of the student's parent or in obedience to a court-ordered legal  
2 process; and

3 (8) at the request of a parent, to escort a student  
4 from any location to a school campus to ensure the student's  
5 compliance with compulsory school attendance requirements.

6 SECTION 4. (a) This Act applies only to conduct that occurs  
7 on or after the effective date of this Act. Conduct violating the  
8 penal law of this state occurs on or after the effective date of  
9 this Act if any element of the violation occurs on or after that  
10 date.

11 (b) Conduct that occurs before the effective date of this  
12 Act is governed by the law in effect at the time the conduct  
13 occurred, and that law is continued in effect for that purpose.

14 SECTION 5. This Act takes effect September 1, 2007.