

By: Shapiro

S.B. No. 217

A BILL TO BE ENTITLED

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AN ACT

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

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

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

(b-1) Notwithstanding Subsection (b), if the parent has previously been convicted under this section at least twice during the same school year for conduct relating to the same child, the attendance officer or other appropriate school official may file a complaint against the parent in the constitutional or statutory county court of the county in which the parent resides or in which the school is located.

(c) An offense under Subsection (a) is a Class C misdemeanor, except that an offense is a Class B misdemeanor if:

(1) 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, Penal Code, at least once; and

(2) none of the child's absences on which the offense is based or on which the previous convictions were based were attributed to the child on the basis of the child's tardy arrival on a school day.

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

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

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

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

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

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

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

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

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

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

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

5 SECTION 3. This Act takes effect September 1, 2007.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 217 (Senate engrossment) as follows:

(1) In SECTION 1 of the bill, in the introductory language (page 1, lines 6 and 7), strike "adding Subsections (b-1) and (c-1) and amending Subsections (c) and (d)" and substitute "amending Subsection (c) and adding Subsection (c-1)".

(2) In SECTION 1 of the bill, in amended Section 25.093, Education Code (page 1, lines 8-14), strike added Subsection (b-1).

(3) In SECTION 1 of the bill, in amended Section 25.093(c), Education Code (page 1, lines 15 and 16), strike "(c) An offense under Subsection (a) is a Class C misdemeanor, except that an offense is a Class B misdemeanor if:" and substitute the following:

(c) An offense under Subsection (a) is a Class C misdemeanor punishable by a fine not to exceed the maximum fine permitted under Section 12.23, Penal Code, except that a fine not to exceed \$2,000 may be assessed if:

(4) In SECTION 1 of the bill, in amended Section 25.093, Education Code (page 2, lines 8 through 23), strike amended Subsection (d).

Zedler