

1-1 By: Shapiro S.B. No. 217
1-2 (In the Senate - Filed January 12, 2007; January 30, 2007,
1-3 read first time and referred to Committee on Education;
1-4 April 25, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 25, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 217 By: Shapiro

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the penalty for a parent who fails to require a child to
1-11 attend school.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 25.093, Education Code, is amended by
1-14 adding Subsections (b-1) and (c-1) and amending Subsections (c) and
1-15 (d) to read as follows:

1-16 (b-1) Notwithstanding Subsection (b), if the parent has
1-17 previously been convicted under this section at least twice during
1-18 the same school year for conduct relating to the same child, the
1-19 attendance officer or other appropriate school official may file a
1-20 complaint against the parent in the constitutional or statutory
1-21 county court of the county in which the parent resides or in which
1-22 the school is located.

1-23 (c) An offense under Subsection (a) is a Class C
1-24 misdemeanor, except that an offense is a Class B misdemeanor if:

1-25 (1) the person has previously been convicted under
1-26 this section at least twice during the same school year for conduct
1-27 relating to the same child and assessed the maximum fine permitted
1-28 under Section 12.23, Penal Code, at least once; and

1-29 (2) none of the child's absences on which the offense
1-30 is based or on which the previous convictions were based were
1-31 attributed to the child on the basis of the child's tardy arrival on
1-32 a school day.

1-33 (c-1) Each day the child remains out of school may
1-34 constitute a separate offense. Two or more offenses under
1-35 Subsection (a) may be consolidated and prosecuted in a single
1-36 action. If the court orders deferred disposition under Article
1-37 45.051, Code of Criminal Procedure, the court may require the
1-38 defendant to provide personal services to a charitable or
1-39 educational institution as a condition of the deferral.

1-40 (d) A fine collected under this section shall be deposited
1-41 as follows:

1-42 (1) one-half shall be deposited to the credit of the
1-43 operating fund of, as applicable:

1-44 (A) the school district in which the child
1-45 attends school;

1-46 (B) the open-enrollment charter school the child
1-47 attends; or

1-48 (C) the juvenile justice alternative education
1-49 program that the child has been ordered to attend; and

1-50 (2) one-half shall be deposited to the credit of:

1-51 (A) the general fund of the county, if the
1-52 complaint is filed in the justice court or the constitutional or
1-53 statutory county court; or

1-54 (B) the general fund of the municipality, if the
1-55 complaint is filed in municipal court.

1-56 SECTION 2. Section 25.093, Education Code, as amended by
1-57 this Act, applies only to an offense committed on or after the
1-58 effective date of this Act. An offense committed before the
1-59 effective date of this Act is governed by the law in effect at the
1-60 time the offense is committed, and the former law is continued in
1-61 effect for that purpose. For purposes of this section, an offense
1-62 is committed before the effective date of this Act if any element of
1-63 the offense is committed before the effective date.

2-1 SECTION 3. This Act takes effect September 1, 2007.

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