

BILL ANALYSIS

Senate Research Center

H.B. 734
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Jurisprudence
4/25/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a magistrate in a county with a population of two million or more is permitted to hear truancy cases. H.B. 734 allows the county judge of a county with a population of 1.75 million or more, with the consent of the commissioners court, to appoint a magistrate to hear truancy cases. The county judge retains final authority over the decision rendered by the magistrate. In addition, this bill allows a newly created truancy court in a county with a population of 1.75 million or more to have original jurisdiction over truancy cases.

H.B. 734 amends current law relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

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(b), Education Code, to require the attendance officer or other appropriate school official to file a complaint against the parent in one of certain courts, including the constitutional county court of the county in which the parent resides or in which the school is located, if the county has a population of 1.75 million or more, rather than two million or more.

SECTION 2. Amends Section 25.094(b), Education Code, to authorize an offense under this section to be prosecuted in one of certain courts, including the constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of 1.75 million or more, rather than two million or more.

SECTION 3. Amends Section 54.021(a), Family Code, to authorize the juvenile court to waive its exclusive original jurisdiction and transfer a child to the constitutional county court, if the county has a population of 1.75 million or more, rather than two million or more, or to an appropriate justice or municipal court, with the permission of the county, justice, or municipal court, for disposition in the manner provided by Subsection (b) (relating to exercising jurisdiction over a person alleged to have engaged in conduct indicating a need for supervision in certain cases) if the child is alleged to have engaged in conduct described in Section 51.03(b)(2) (relating to the absence of a child over certain periods time).

SECTION 4. Amends Section 26.045(d), Government Code, to provide that a county court in a county with a population of 1.75 million or more, rather than two million or more, has original jurisdiction over cases alleging a violation of Section 25.093 (Parent Contributing to Nonattendance) or 25.094 (Failure to Attend School), Education Code.

SECTION 5. Amends Section 54.1171, Government Code, to provide that this subchapter applies to a constitutional county court in a county with a population of 1.75 million or more, rather than two million or more.

SECTION 6. (a) Makes application of Sections 25.093 and 25.094, Education Code, prospective.

(b) Makes application of Section 54.021, Family Code, prospective.

(c) Makes application of Section 26.045, Government Code, prospective.

SECTION 7. Effective date: September 1, 2011.