

BILL ANALYSIS

Senate Research Center
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S.B. 1117
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Office of Court Administration, there were 65,521 cases filed for parents contributing to nonattendance in the municipal and justice of the peace courts of the state. For every case there is a fine not to exceed \$500.

Many of the families receiving this charge and fine are single income families. Often the parents report taking their children to school only to have them leave once they are dropped off. In other cases parents leave for work before the child leaves for school and the child never leaves for school.

Currently, the level of culpability is that the parent has acted "with criminal negligence." S.B. 1117 amends the Education Code by raising the level of culpability such that the parent must have acted "intentionally" in order to ensure that those receiving this penalty not only know their children are not attending school but that the parent is also influencing or causing the absences.

As proposed, S.B. 1117 amends current law relating to the prosecution of a parent contributing to the nonattendance of a public school student.

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(a), Education Code, as follows:

(a) Provides that if a warning is issued as required by Section 25.095(a) (relating to notification of parent), the parent intentionally, rather than with criminal negligence, fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 25.094 (Failure to Attend School), the parent commits an offense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.