

By: Patrick, et al.

H.B. No. 734

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the jurisdiction of constitutional county courts over  
3 truancy cases and the appointment of magistrates to hear truancy  
4 cases in certain counties.

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

6 SECTION 1. Section 25.093(b), Education Code, is amended to  
7 read as follows:

8 (b) The attendance officer or other appropriate school  
9 official shall file a complaint against the parent in:

10 (1) the constitutional county court of the county in  
11 which the parent resides or in which the school is located, if the  
12 county has a population of 1.75 [~~two~~] million or more;

13 (2) a justice court of any precinct in the county in  
14 which the parent resides or in which the school is located; or

15 (3) a municipal court of the municipality in which the  
16 parent resides or in which the school is located.

17 SECTION 2. Section 25.094(b), Education Code, is amended to  
18 read as follows:

19 (b) An offense under this section may be prosecuted in:

20 (1) the constitutional county court of the county in  
21 which the individual resides or in which the school is located, if  
22 the county has a population of 1.75 [~~two~~] million or more;

23 (2) a justice court of any precinct in the county in  
24 which the individual resides or in which the school is located; or

1           (3) a municipal court in the municipality in which the  
2 individual resides or in which the school is located.

3           SECTION 3. Section 54.021(a), Family Code, is amended to  
4 read as follows:

5           (a) The juvenile court may waive its exclusive original  
6 jurisdiction and transfer a child to the constitutional county  
7 court, if the county has a population of 1.75 [~~two~~] million or more,  
8 or to an appropriate justice or municipal court, with the  
9 permission of the county, justice, or municipal court, for  
10 disposition in the manner provided by Subsection (b) if the child is  
11 alleged to have engaged in conduct described in Section  
12 51.03(b)(2). A waiver of jurisdiction under this subsection may be  
13 for an individual case or for all cases in which a child is alleged  
14 to have engaged in conduct described in Section 51.03(b)(2). The  
15 waiver of a juvenile court's exclusive original jurisdiction for  
16 all cases in which a child is alleged to have engaged in conduct  
17 described in Section 51.03(b)(2) is effective for a period of one  
18 year.

19           SECTION 4. Section 26.045(d), Government Code, is amended  
20 to read as follows:

21           (d) A county court in a county with a population of 1.75  
22 [~~two~~] million or more has original jurisdiction over cases alleging  
23 a violation of Section 25.093 or 25.094, Education Code.

24           SECTION 5. Section 54.1171, Government Code, is amended to  
25 read as follows:

26           Sec. 54.1171. APPLICATION OF SUBCHAPTER. This subchapter  
27 applies to a constitutional county court in a county with a

1 population of 1.75 [~~two~~] million or more.

2 SECTION 6. (a) The changes in law made by this Act to  
3 Sections 25.093 and 25.094, Education Code, apply only to an  
4 offense committed on or after the effective date of this Act. For  
5 purposes of this subsection, an offense is committed before the  
6 effective date of this Act if any element of the offense occurs  
7 before that date. An offense committed before the effective date of  
8 this Act is covered by the law in effect immediately before the  
9 effective date of this Act, and the former law is continued in  
10 effect for that purpose.

11 (b) The change in law made by this Act to Section 54.021,  
12 Family Code, applies only to conduct indicating a need for  
13 supervision as described in Section 51.03(b)(2), Family Code,  
14 engaged in by an individual on or after the effective date of this  
15 Act. Conduct engaged in before the effective date of this Act is  
16 covered by the law in effect immediately before the effective date  
17 of this Act, and the former law is continued in effect for that  
18 purpose.

19 (c) The change in law made by this Act to Section 26.045,  
20 Government Code, applies only to a violation of Section 25.093 or  
21 25.094, Education Code, committed on or after the effective date of  
22 this Act. A violation committed before the effective date of this  
23 Act is covered by the law in effect immediately before the effective  
24 date of this Act, and the former law is continued in effect for that  
25 purpose.

26 SECTION 7. This Act takes effect September 1, 2011.