

1-1 By: Patrick, et al. (Senate Sponsor - Nelson) H.B. No. 734
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Jurisprudence; May 5, 2011, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 5, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the jurisdiction of constitutional county courts over
1-9 truancy cases and the appointment of magistrates to hear truancy
1-10 cases in certain counties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 25.093(b), Education Code, is amended to
1-13 read as follows:

1-14 (b) The attendance officer or other appropriate school
1-15 official shall file a complaint against the parent in:

1-16 (1) the constitutional county court of the county in
1-17 which the parent resides or in which the school is located, if the
1-18 county has a population of 1.75 [~~two~~] million or more;

1-19 (2) a justice court of any precinct in the county in
1-20 which the parent resides or in which the school is located; or

1-21 (3) a municipal court of the municipality in which the
1-22 parent resides or in which the school is located.

1-23 SECTION 2. Section 25.094(b), Education Code, is amended to
1-24 read as follows:

1-25 (b) An offense under this section may be prosecuted in:

1-26 (1) the constitutional county court of the county in
1-27 which the individual resides or in which the school is located, if
1-28 the county has a population of 1.75 [~~two~~] million or more;

1-29 (2) a justice court of any precinct in the county in
1-30 which the individual resides or in which the school is located; or

1-31 (3) a municipal court in the municipality in which the
1-32 individual resides or in which the school is located.

1-33 SECTION 3. Section 54.021(a), Family Code, is amended to
1-34 read as follows:

1-35 (a) The juvenile court may waive its exclusive original
1-36 jurisdiction and transfer a child to the constitutional county
1-37 court, if the county has a population of 1.75 [~~two~~] million or more,
1-38 or to an appropriate justice or municipal court, with the
1-39 permission of the county, justice, or municipal court, for
1-40 disposition in the manner provided by Subsection (b) if the child is
1-41 alleged to have engaged in conduct described in Section
1-42 51.03(b)(2). A waiver of jurisdiction under this subsection may be
1-43 for an individual case or for all cases in which a child is alleged
1-44 to have engaged in conduct described in Section 51.03(b)(2). The
1-45 waiver of a juvenile court's exclusive original jurisdiction for
1-46 all cases in which a child is alleged to have engaged in conduct
1-47 described in Section 51.03(b)(2) is effective for a period of one
1-48 year.

1-49 SECTION 4. Section 26.045(d), Government Code, is amended
1-50 to read as follows:

1-51 (d) A county court in a county with a population of 1.75
1-52 [~~two~~] million or more has original jurisdiction over cases alleging
1-53 a violation of Section 25.093 or 25.094, Education Code.

1-54 SECTION 5. Section 54.1171, Government Code, is amended to
1-55 read as follows:

1-56 Sec. 54.1171. APPLICATION OF SUBCHAPTER. This subchapter
1-57 applies to a constitutional county court in a county with a
1-58 population of 1.75 [~~two~~] million or more.

1-59 SECTION 6. (a) The changes in law made by this Act to
1-60 Sections 25.093 and 25.094, Education Code, apply only to an
1-61 offense committed on or after the effective date of this Act. For
1-62 purposes of this subsection, an offense is committed before the
1-63 effective date of this Act if any element of the offense occurs
1-64 before that date. An offense committed before the effective date of

2-1 this Act is covered by the law in effect immediately before the
2-2 effective date of this Act, and the former law is continued in
2-3 effect for that purpose.

2-4 (b) The change in law made by this Act to Section 54.021,
2-5 Family Code, applies only to conduct indicating a need for
2-6 supervision as described in Section 51.03(b)(2), Family Code,
2-7 engaged in by an individual on or after the effective date of this
2-8 Act. Conduct engaged in before the effective date of this Act is
2-9 covered by the law in effect immediately before the effective date
2-10 of this Act, and the former law is continued in effect for that
2-11 purpose.

2-12 (c) The change in law made by this Act to Section 26.045,
2-13 Government Code, applies only to a violation of Section 25.093 or
2-14 25.094, Education Code, committed on or after the effective date of
2-15 this Act. A violation committed before the effective date of this
2-16 Act is covered by the law in effect immediately before the effective
2-17 date of this Act, and the former law is continued in effect for that
2-18 purpose.

2-19 SECTION 7. This Act takes effect September 1, 2011.

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