

By: Nelson

S.B. No. 255

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

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

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

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

(1) 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 1.4 [~~two~~] million or more;

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

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

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

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

(1) 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 1.4 [~~two~~] million or more;

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

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

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

(a) The juvenile court may waive its exclusive original jurisdiction and transfer a child to the constitutional county court, if the county has a population of 1.4 [~~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) if the child is alleged to have engaged in conduct described in Section 51.03(b)(2). A waiver of jurisdiction under this subsection may be for an individual case or for all cases in which a child is alleged to have engaged in conduct described in Section 51.03(b)(2). The waiver of a juvenile court's exclusive original jurisdiction for all cases in which a child is alleged to have engaged in conduct described in Section 51.03(b)(2) is effective for a period of one year.

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

(d) A county court in a county with a population of 1.4 [~~two~~] million or more has original jurisdiction over cases alleging a violation of Section 25.093 or 25.094, Education Code.

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

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

1 population of 1.4 [~~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.