

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 27, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SB1489** by Whitmire (Relating to educational, juvenile justice, and criminal justice responses to truancy. ), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 25.094 (a), Education Code to specify that the offense of failure to attend school applies to a juvenile 12 years of age or older, and younger than 18. The bill would also amend Section 51.03, Family Code to specify that a child in need of supervision for failure to attend school would be defined as a child age 10 or older, and younger than 18 years of age.

The bill would amend Section 54.021, Family Code to state that a juvenile court in a county with a population of two million or more may waive its original jurisdiction and transfer a child to a constitutional county court or municipal court for failure to attend school if the child is 12 years of age or older. This would have the effect of requiring that all cases of failure to attend involving youth aged 10 and 11 to be filed in juvenile courts.

The bill would also amend Section 54.0402, Family Code, to state that a dispositional order for failure to attend school would be limited to being effective for 180 days after the date of the order, or beyond the end of the school year in which the order was entered, whichever period is longer. The bill would amend Article 45.054, Code of Criminal Procedure, to state that a county or justice court shall dismiss the complaint against a child for failure to attend school if the individual proves that he or she has complied with the court order or obtains a high school diploma or equivalency certificate. The court may also waive the fee associated with court costs related to the order if it is determined that the fee would cause financial hardship. The bill would also allow an individual's conviction for failure to attend school to be expunged if the court finds that the individual complied with the court order or obtained a high school diploma or equivalency certificate.

The bill would amend Articles 102.0174(b) and (c), Code of Criminal Procedure to require that a court only charge the \$5 court fee for the juvenile case management fund if the municipality employs a juvenile case manager. The bill also makes other amendments to conform to this provision.

The bill would add Section 25.0915, Education Code, to require a school district to adopt truancy prevention measures. Additionally, upon referring a child for failure to attend school to a county or justice court, the school district must certify that it applied truancy prevention measures, and that they failed to address the student's conduct related to truancy.

The bill would repeal Subsection (e), Article 45.056, Code of Criminal Procedure, which requires that a juvenile case manager hired by a county, juvenile or municipal court work primarily on cases brought under Sections 25.093 and 25.094, Education Code. The bill would take effect September 1, 2011.

**Local Government Impact**

Depending on local practices, the bill may have an impact on the local court system and local school

districts. The effects of the bill would vary according to local practices and are expected to not be fiscally significant.

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, MWU