

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 28, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

IN RE: SB1489 by Whitmire (Relating to jurisdiction for the offenses of truancy and failure to attend school.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would remove cases of truancy-related matters from the jurisdiction of constitutional county courts in counties with a population greater than two million. The bill would also remove parents' or caretakers' ability to be charged for the truancy-related cases of a juvenile who is 17 years of age. The bill would also require that all cases of truancy are referred to juvenile courts. The bill would repeal Article 45.054 (a-1), Code of Criminal Procedure, Sections 51.03 (g) and 51.04 (h), Family Code, and Section 26.045 (d) and Subchapter W, Chapter 54, Government Code. The bill would take effect on September 1, 2011. This analysis assumes that implementing the provisions of the bill would not pose a significant fiscal impact to the state.

Local Government Impact

Depending on local practices, the bill may have an impact on the local court system. Presently some constitutional county courts appoint magistrates to handle cases of truancy. Those magistrates would be unnecessary if cases of truancy were removed from the jurisdiction of constitutional county courts. Whereas counties could transfer funding from constitutional courts to justice courts, municipalities would see an increase in truancy related cases and could be faced with significant costs to handle them. As the change in court jurisdictions would only affect counties with a population exceeding two million, the fiscal impact would not be widespread across the state.

The bill would require that all cases of truancy be referred to juvenile probation departments. In fiscal year 2010 a total of 113,070 cases of failure to attend school were filed and handled by justice courts and municipal courts. In contrast, juvenile probation departments received 1,901 referrals for truancy/failure to attend school in fiscal year 2010 out of a total of 89,419 referrals to juvenile probation departments. If all cases of failure to attend school were filed as referrals to juvenile probation departments, it would more than double the total number of referrals handled by the juvenile probation department system. A county's portion of costs per youth on supervision is estimated to be approximately \$12.29 per youth per day for community supervision, and approximately \$6.15 per youth per day for deferred prosecution. The average days on supervision for the 1,901 cases that were filed with juvenile probation departments in fiscal year 2010 was 135 days for deferred prosecution and 206 days for community supervision. Costs to counties would be significant overall, but would vary depending on the number of truancy cases in a particular county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 665 Juvenile Probation Commission, 701 Central Education Agency

LBB Staff: JOB, JT, GG, MWU, TB