

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

Revision 1

April 19, 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 educational, juvenile justice, and criminal justice responses to truancy.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 25.094, Education Code to state that the offense of failure to attend school may be prosecuted in justice or constitutional county courts in counties with a population of two million or more only if the individual is 12 years of age or older. It removes the jurisdiction of municipal courts over the offense. All cases of failure to attend that are currently filed in municipal courts would be filed in justice or constitutional county courts. The bill would 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. 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 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 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 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 Articles 102.014 (d) and 102.0174 (b), Code of Criminal Procedure, which would repeal court costs of \$20 related to failure to attend school, which creates the juvenile case manager fund and authorizes a \$5 court fee to be placed in it. The bill would require that a governing body of a municipality shall abolish the juvenile case manager fund and transfer any money in the fund to the municipal treasury, not later than September 1, 2012. 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. Municipalities would no longer have jurisdiction over truancy cases, which would result in the loss of the revenue related to court costs, and counties would see an increase in court cases. Additionally, filing all cases of truancy for 10 and 11 year olds in juvenile courts could lead to a slight increase in youth on supervision.

Counties reported that an increase in truancy cases would generate a small net increase to revenue due to the \$5 filing fee per case. Amount of new revenue would vary depending on the number of new truancy cases in a particular county but is not anticipated to be significant.

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

LBB Staff: JOB, JT, MWU, KKR