

BILL ANALYSIS

H.B. 1021
By: Moody
Criminal Procedure Reform, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes the prosecution of a failure to attend school offense to be held in the constitutional county court in the county in which the prosecuted individual resides or in which the school is located if the county has a population of 1.75 million or more, or in any justice or municipal court in the county in which the individual resides or in which the school is located. Critics assert that this wide range in venue options has led to "forum shopping" by individuals seeking to file complaints regarding these offenses, which is not generally permitted in other areas of law, and additionally results in wasted resources and inefficiency in jurisdictions where certain courts have been created specifically for the purpose of hearing cases involving these offenses. H.B. 1021 seeks to address these issues.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1021 amends the Education Code provision establishing the authorized venues for prosecution of an offense of failure to attend school to limit the authorized justice court venues to a justice court designated to hear such cases in the county in which the individual resides or in which the school is located, if such a court is designated.

EFFECTIVE DATE

September 1, 2013.