

BILL ANALYSIS

H.B. 1022
By: Moody
Criminal Procedure Reform, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes the prosecution of an offense of a parent contributing to the nonattendance of a student to be held in the constitutional county court in the county in which the parent 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 parent 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 such 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. 1022 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. 1022 amends the Education Code provision requiring the filing of a complaint against a parent who commits an offense of contributing to nonattendance of a student in one of a list of specified courts by limiting the justice court venues in which the complaint may be filed to a justice court designated to hear such cases in the county in which the parent resides or in which the school is located, if such a court is designated.

EFFECTIVE DATE

September 1, 2013.