

## **BILL ANALYSIS**

C.S.H.B. 2947  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

As reported in the Texas Tribune, following the pandemic, schools have faced a growing level in absenteeism, and the highest district-wide absentee rate in the 2022-2023 school year was 53.6 percent. A study by the U.S. Department of Education reported that children who are chronically absent in preschool, kindergarten, and first grade are much less likely to read on grade level by the third grade, which elevates their chances of dropping out of high school. Furthermore, studies by the National Institute of Health have demonstrated that high rates in absenteeism in early grades are a predictor of behavior issues and poor academic performance. C.S.H.B. 2947 seeks to address this issue by revising the truancy enforcement process.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 2947 amends the Education Code to authorize a public school district, if the district previously imposed truancy prevention measures on a student and the student, in a succeeding school year, engages in truant conduct, to refer the student to truancy court without again imposing truancy prevention measures. The bill includes a statement from a student's school certifying that the school has applied the truancy prevention measures to the student in a prior school year and that the measures failed to meaningfully address the student's school attendance among the information required to accompany a referral to truancy court for truant conduct. These provisions apply beginning with the 2025-2026 school year.

C.S.H.B. 2947 caps the maximum fine for a parent contributing to nonattendance misdemeanor offense at \$100. The bill requires the court to dismiss any such fine imposed if the parent presents the court with proof that the child has reached the age of 21, graduated from high school or received the equivalent of a high school diploma, or enlisted in the U.S. armed forces. These provisions apply only to an offense committed on or after the bill's effective date. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

C.S.H.B. 2947 requires each district to annually submit an annual attendance report to the Texas Education Agency (TEA), with the first report to be submitted not later than December 1, 2026,

that includes, for the preceding school year, the following information disaggregated by campus and grade:

- the number of students:
  - who failed to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year;
  - for whom the district initiated a truancy prevention measure; and
  - for whom the district made a referral to truancy court; and
- the number of parents of students against whom a complaint has been filed under provisions relating to the offense of parent contributing to nonattendance.

C.S.H.B. 2947 amends the Code of Criminal Procedure to establish that a defendant who has been assessed a fine for a parent contributing to nonattendance offense is considered to have discharged not less than \$100 of fines or costs for each six hours of community service performed to satisfy fines or costs.

C.S.H.B. 2947 amends the Government Code to authorize a person who is convicted of an offense of parent contributing to nonattendance to petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under the bill's provisions, regardless of whether the person has paid all fines and costs imposed and notwithstanding statutory provisions governing such orders of nondisclosure and governing criminal history record information. The bill requires the court, after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file such a petition and that issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted. The bill authorizes a person to petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under the bill's provisions only on or after the date on which the following occurred:

- the person completed payment of all fines and costs imposed under the offense provisions; or
- the child that the person failed to require to attend school reaches the age of 21, graduates from high school or receives the equivalent of a high school diploma, or enlists in the U.S. armed forces.

C.S.H.B. 2947 exempts a person who petitions for an order of nondisclosure under the bill's provisions from statutory provisions relating to required conditions for receiving an order of nondisclosure of criminal history record information.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2947 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced which establishes that a defendant who has been assessed a fine for a parent contributing to nonattendance offense is considered to have discharged not less than \$100 of fines or costs for each six hours of community service performed to satisfy fines or costs.

Whereas the introduced revised a fine schedule for a subsequent misdemeanor offense of a parent contributing to nonattendance, the substitute caps the maximum fine for such an offense at \$100.

Whereas the introduced establishes that the bill's provisions relating to an authorization for a public school district to refer a student to truancy court without again imposing truancy prevention measures under certain conditions apply beginning with the 2023-2024 school year, the substitute establishes that such provisions apply beginning with the 2025-2026 school year.