

By: Dutton

H.B. No. 2847

A BILL TO BE ENTITLED

AN ACT

relating to truancy and parental contribution to nonattendance of school; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Article 45A.403, Code of Criminal Procedure, is amended to conform to Section 1, Chapter 749 (H.B. 3917), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Art. 45A.403. DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. (a) Subject to Subsection (b) and notwithstanding ~~[Notwithstanding]~~ any other law, a county, justice, or municipal court may dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the court finds that a dismissal would be in the interest of justice because:

(1) there is a low likelihood of recidivism by the defendant; or

(2) sufficient justification exists for the failure of the defendant's child to attend school.

(b) Notwithstanding any other law, a county, justice, or municipal court shall dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the parent completes the terms of an agreement entered into by the parent and the school district at which the parent's child

1 attends under Section 25.094, Education Code, within the period
2 required by Subsection (b) of that section. If agreed to by the
3 school district that is a party to the agreement, the court may
4 extend the period under Section 25.094(b), Education Code, during
5 which a parent may fulfill the terms of the agreement.

6 (b) Section 1, Chapter 749 (H.B. 3917), Acts of the 88th
7 Legislature, Regular Session, 2023, which amended Article 45.0531,
8 Code of Criminal Procedure, is repealed.

9 SECTION 2. Section 25.093(c), Education Code, is amended to
10 read as follows:

11 (c) An offense under Subsection (a) is a Class C
12 misdemeanor [~~, punishable by fine only, in an amount not to exceed:~~

13 [~~(1) \$100 for a first offense;~~

14 [~~(2) \$200 for a second offense;~~

15 [~~(3) \$300 for a third offense;~~

16 [~~(4) \$400 for a fourth offense; or~~

17 [~~(5) \$500 for a fifth or subsequent offense]~~.

18 SECTION 3. Section 25.094(b), Education Code, is amended to
19 read as follows:

20 (b) A parent who fulfills the terms of an agreement
21 described by Subsection (a) not later than the 30th day after the
22 date on which the complaint was filed or within the period provided
23 by the agreement is entitled to dismissal of the complaint in
24 accordance with Article 45A.403(b) [~~45.0531(b)~~], Code of Criminal
25 Procedure.

26 SECTION 4. Section 25.095(a), Education Code, is amended to
27 read as follows:

1 (a) A school district or open-enrollment charter school
2 shall notify a student's parent in writing at the beginning of the
3 school year that if the student is absent from school without excuse
4 for ~~[on]~~ 10 percent of the school's required operation and
5 instructional time ~~[or more days or parts of days]~~ within a
6 ~~[six-month period in the same]~~ school year:

7 (1) the student's parent is subject to prosecution
8 under Section 25.093; and

9 (2) the student is subject to referral to a truancy
10 court for truant conduct under Section 65.003(a), Family Code.

11 SECTION 5. Section 25.0951(a), Education Code, is amended
12 to read as follows:

13 (a) If a student fails to attend school without excuse for
14 ~~[on]~~ 10 percent of the school's required operation and
15 instructional time ~~[or more days or parts of days]~~ within a
16 ~~[six-month period in the same]~~ school year, a school district shall
17 immediately ~~[within 10 school days of the student's 10th absence]~~
18 refer the student to a truancy court for truant conduct under
19 Section 65.003(a), Family Code.

20 SECTION 6. Subchapter C, Chapter 25, Education Code, is
21 amended by adding Section 25.096 to read as follows:

22 Sec. 25.096. ANNUAL ATTENDANCE REPORT. Each school
23 district shall annually submit a report to the agency that
24 includes, for the preceding school year, the following information
25 disaggregated by campus and grade:

26 (1) the number of students:

27 (A) who failed to attend school without excuse

1 for 10 percent of the school's required operation and instructional
2 time within a school year;

3 (B) for whom the district initiated a truancy
4 prevention measure; and

5 (C) for whom the district made a referral to
6 truancy court; and

7 (2) the number of parents of students against whom a
8 complaint has been filed under Section 25.093.

9 SECTION 7. Section 65.003(a), Family Code, is amended to
10 read as follows:

11 (a) A child engages in truant conduct if the child is
12 required to attend school under Section 25.085, Education Code, and
13 fails to attend school without excuse for ~~[en]~~ 10 percent of the
14 school's required operation and instructional time ~~[or more days or~~
15 ~~parts of days]~~ within a ~~[six-month period in the same]~~ school year.

16 SECTION 8. Section 65.004(a), Family Code, is amended to
17 read as follows:

18 (a) The commissioners court of a county shall designate one
19 or more justice courts in the county ~~[The following are designated]~~
20 as the truancy courts for the county ~~[courts:~~

21 ~~[(1) in a county with a population of 2.1 million or~~
22 ~~more, the constitutional county court,~~

23 ~~[(2) justice courts; and~~

24 ~~[(3) municipal courts].~~

25 SECTION 9. Subchapter E-1, Chapter 411, Government Code, is
26 amended by adding Section 411.0737 to read as follows:

27 Sec. 411.0737. PROCEDURE FOR CONVICTION; PARENT

1 CONTRIBUTING TO NONATTENDANCE. (a) This section applies only to a
2 person who is convicted of an offense under Section 25.093,
3 Education Code.

4 (b) Notwithstanding any other provision of this subchapter
5 or Subchapter F, a person described by Subsection (a) may petition
6 the court that imposed the sentence for an order of nondisclosure of
7 criminal history record information under this section if the
8 person completes a program approved by the court.

9 (c) After notice to the state, an opportunity for a hearing,
10 and a determination that the person is entitled to file the petition
11 described by Subsection (b) and that issuance of an order of
12 nondisclosure of criminal history record information is in the best
13 interest of justice, the court shall issue an order prohibiting
14 criminal justice agencies from disclosing to the public criminal
15 history record information related to the offense for which the
16 person was convicted.

17 SECTION 10. Section 65.004(c), Family Code, is repealed.

18 SECTION 11. Sections 25.095 and 25.0951, Education Code, as
19 amended by this Act, and Section 65.003, Family Code, as amended by
20 this Act, apply beginning with the 2025-2026 school year.

21 SECTION 12. The changes in law made by this Act to Article
22 45A.403, Code of Criminal Procedure, and Section 25.093, Education
23 Code, apply only to an offense committed on or after the effective
24 date of this Act. An offense committed before the effective date of
25 this Act is governed by the law in effect on the date the offense was
26 committed, and the former law is continued in effect for that
27 purpose. For purposes of this section, an offense was committed

1 before the effective date of this Act if any element of the offense
2 occurred before that date.

3 SECTION 13. As soon as practicable after the effective date
4 of this Act, each commissioners court shall designate justice
5 courts as truancy courts as required by Section 65.004, Family
6 Code, as amended by this Act.

7 SECTION 14. To the extent of any conflict, this Act prevails
8 over another Act of the 89th Legislature, Regular Session, 2025,
9 relating to nonsubstantive additions to and corrections in enacted
10 codes.

11 SECTION 15. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2025.