

- SUBJECT:** Requiring juvenile courts to accept certain truancy cases
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Keel, Riddle, Denny, Escobar, Hodge, P. Moreno, Pena, Raymond  
0 nays  
1 absent — Reyna
- WITNESSES:** For — David M. Cobos, Justice of the Peace, Precinct 2, Midland County  
Against — None
- BACKGROUND:** Under Education Code, sec. 25.094, it is a class C misdemeanor (maximum fine of \$500) for a Texas public school student to be absent from school for 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period. An offense may be prosecuted in a justice or municipal court or in the county court if the county in which the school is located has a population of 2 million or more.
- Under Family Code, sec. 51.08, a court in which there is a pending complaint against a child that alleges a misdemeanor offense punishable by a fine only must refer the child to a juvenile court if the child previously has been convicted of two or more misdemeanors punishable by fine other than a traffic offense or public intoxication. The court must notify the juvenile court of the pending complaint and furnish a copy of the final disposition for any matter for which the court does not waive its original jurisdiction.
- DIGEST:** CSHB 3010 would prohibit a juvenile court from refusing to accept the transfer of a truancy case brought under Education Code, sec. 25.094, from a justice, municipal or county court if the prosecutor determined that there was probable cause to believe the student engaged in delinquent conduct.

The bill would take effect September 1, 2005, and would apply to the transfer of cases on or after that date.

**SUPPORTERS  
SAY:**

Under current law, justice or municipal courts are required to transfer truancy cases on the third offense to juvenile courts, but juvenile courts are not required to accept them. As a result, serious truancy cases may not be prosecuted, and students who repeatedly miss school escape consequences for their behavior. The bill would help decrease the number of truancy violations by holding children accountable for continued absences.

While most truancy cases are handled at the municipal or judicial court level, sometimes these courts have exhausted their options in dealing with truant students. In these situations, juvenile courts should review the cases and accept those that meet standards for prosecution. The bill would not require that juvenile courts adjudicate every case, only that cases be accepted if they met appropriate standards.

**OPPONENTS  
SAY:**

Juvenile courts should retain flexibility in determining how to proceed with truancy cases. A court may have a legitimate reason for not accepting or prosecuting a student who repeatedly has missed school. A student may have missed school because the student had to work to contribute to family income. There may be better ways of dealing with situations like this than treating the student like a criminal.

**NOTES:**

The committee substitute eliminated provisions in the original version allowing a court to issue a warrant for the arrest or confinement for up to three days of a person in contempt of a court order for a truancy violation. The facility would have had to release the student at the request of a parent or guardian.

HB 316 by Grusendorf, which passed the House on second reading on yesterday and is scheduled for third reading consideration today, would prohibit a student from being absent more than seven days in a six-month period or three or more days within a four-week period. The bill would give police officers who are not school officers the authority to enforce truancy laws, and would require schools to notify courts of truancy violations within 15 days. The House yesterday adopted an amendment by Rep. Grusendorf to HB 316 that is identical to CSHB 3010.