

BILL ANALYSIS

H.B. 3165
By: Meyer
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that a child who is truant due to an abusive situation in their home may be arrested and face civil penalties. There have been calls to protect these students by providing for an affirmative defense to allegations of truant conduct. H.B. 3165 seeks to address this issue by establishing an affirmative defense to an allegation of truant conduct that the student's absence was due to their voluntary absence from their home because of abuse.

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

H.B. 3165 amends the Family Code to establish an affirmative defense to an allegation of truant conduct that one or more of the absences were due to the child's voluntary absence from the child's home because of abuse as shown by a preponderance of the evidence. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.