

- SUBJECT:** Allowing county courts to appoint magistrates for truancy hearings
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 7 ayes — Dutton, Goodman, Baxter, Hodge, J. Moreno, Morrison, Reyna
0 nays
2 absent — Castro, Dunnam
- SENATE VOTE:** On final passage, March 27 — voice vote
- WITNESSES:** *(On companion bill, HB 2087:)*
For — Gary Arey and Mike Cantrell, Dallas County; Robby Collins, Dallas Independent School District

Against — None
- BACKGROUND:** Under Education Code, sec. 25.094, truancy cases must be prosecuted in a justice court or a municipal court in which the individual resides or in which the school is located.

Under Government Code, sec. 26.045, a county court in a county with a criminal district court does not have jurisdiction to handle truancy cases.
- DIGEST:** SB 358 would give county courts in counties with populations of two million or more (Harris and Dallas) authority over truancy cases, and would amend Government Code, ch. 54 to allow the county judge in counties with populations of two million or more to appoint full-time magistrates to hear truancy cases. The appointments would be subject to the approval of the commissioners' court, and the magistrate would serve at the pleasure of the county judge.

The bill would require that the magistrate be a Texas citizen, at least 25 years of age, and licensed to practice law in Texas for at least four years preceding the date of appointment. The magistrate's compensation would have to be paid from the county's general fund.

The magistrate could conduct hearings and trials, including jury trials, hear evidence, compel production of relevant evidence, issue summons and attachments for the appearance of witnesses, examine witnesses, swear witnesses for hearings and trials, and perform any other act necessary for the efficient performance of the duties assigned by the county judge.

At the conclusion of the hearing, the magistrate would be required to submit papers related to the case and the magistrate's findings to the county judge, who would have to adopt, modify, or reject these recommendations within three days of receiving them. The judge would have to send written notice of any modification or rejection of the magistrate's recommendation to each party in the case.

The bill would make conforming changes to other sections of the Education Code, Family Code, and Code of Criminal Procedure.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 358 would allow Harris and Dallas counties to establish a cohesive, county-wide system to deal with their truancy problems by allowing magistrates who have been appointed by county judges to hear truancy cases. The final decision would be made by the county judge, and the judge would retain the discretion to hear cases.

Under current law, only justices of the peace and municipal courts in these large counties are authorized to hear these cases, which has resulted in such a backlog that some cases outlast the school year. The bill would allow counties to set up a system that would alleviate the backlog and allow courts to get students back into school, which would support the Dallas Independent School District's anti-dropout program.

SB 358 would enable Harris County to establish a similar system to address its backlog in truancy cases, but would not require that such an approach be adopted.

**OPPONENTS
SAY:**

No apparent opposition.

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NOTES: The House companion bill, HB 2087 by Goodman, is pending in the House Committee on Juvenile Justice and Family Issues.