

## **BILL ANALYSIS**

Senate Research Center  
76R6886 CAS-F

C.S.H.B. 1961  
By: Grusendorf (Barrientos)  
Education  
5/13/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Education Code directs school attendance officers to file a complaint against the parents of a child if the parents fail to require their child to attend school. A violation of the compulsory attendance law is a Class C misdemeanor, punishable by a fine. Currently, one-half of the collected fine is required to be deposited to the credit of the general fund of the county or municipality in which the complaint is filed, and the other half is deposited to the credit of the operating fund of the child's school district. In 1995, the 75th Legislature created juvenile justice alternative education programs to educate students who are expelled from school for serious offenses. Once a juvenile is ordered to attend an alternative education program, the student no longer technically attends school in the school district, and any fines collected for a student who does not attend an alternative education program do not go to the operating fund of the institution which is responsible for that student's education. This bill requires truancy fines to be deposited to the credit of the juvenile justice alternative education program a child has been ordered to attend, if the child has been ordered to attend such a program, or to the credit of the operating fund of the child's school district.

### **PURPOSE**

As proposed, C.S.H.B. 1961 requires truancy fines to be deposited to the credit of the juvenile justice alternative education program a child has been ordered to attend, if the child has been ordered to attend such a program, or to the credit of the operating fund of the child's school district.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.093(f), Education Code, to require one-half of the fine collected under this section to be deposited to the credit of the juvenile justice alternative education program that a child has been ordered to attend, if the child has been ordered to attend such a program, or to the credit of the operating fund of the child's school district.

SECTION 2. Amends Chapter 45, Code of Criminal Procedure, by adding Article 45.57, as follows:

Art. 45.57. DISPOSITION OF FINES COLLECTED FROM PERSONS ARRESTED OR ISSUED CITATIONS BY SCHOOL DISTRICT PEACE OFFICER. (a) Provides that this article applies only to the fine imposed on certain persons.

(b) Requires the school district peace officer (officer) collecting the fine from the person to remit an amount equal to 50 percent of the fine to the school district that employed the officer who arrested or issued the citation to the person.

(c) Provides that this Article prevails over Articles 45.06 and 103.004, to the extent of any conflict.

(d) Defines "school district" and "school district peace officer."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.