

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 2, 2010
POSITION: Neutral

BILL NUMBER: SB 1317
AUTHOR: M. Leno

BILL SUMMARY: Truancy

This bill would provide that if a parent or guardian of a pupil of six years of age or more, who is in kindergarten through eighth grade and is a chronic truant, has failed to supervise and encourage the pupil's school attendance, the parent or guardian is guilty of a misdemeanor. This bill would also authorize superior courts to establish a deferred entry of judgment program to adjudicate cases involving chronic truants and to be funded by non-state sources.

FISCAL SUMMARY

This bill would have no fiscal impact to the state. The crime created by this bill is a misdemeanor and would only result in offenders serving time at local jails.

The deferred entry of judgment program is authorized, but not required and would be funded by non-state sources if implemented.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

Current law provides that if a person is a parent of a minor child, and if that parent willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, medical attendance, or other remedial care for the child, that person is guilty of a misdemeanor. Additionally, current law provides that a parent or guardian of a pupil who is subject to compulsory full-time education and is habitually truant, as specified, or who fails to perform his or her duty to compel attendance of the pupil, is guilty of a crime.

This bill would define a chronic truant as any pupil subject to compulsory full-time education or to compulsory continuing education who is absent from school without valid excuse for more than 10 percent or more of the schooldays in one school year, as specified. This bill would provide that a parent or guardian of a pupil aged six years or more, who is in kindergarten through eighth grade, whose child is a chronic truant, and who has failed to reasonably supervise and encourage the pupil's school attendance, is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, imprisonment in the county jail for a period not exceeding one year, or both a fine and imprisonment. This bill also restricts prosecutors from simultaneously charging a parent or guardian with violations of these provisions and other specified statutes related to parents of chronic truants.

This bill would also allow superior courts to establish a deferred entry of judgment program, funded by non-state sources, that would include:

- A dedicated court calendar.
- Leadership by a judge of the superior court in that county.
- Meetings with designated school staff.

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| Analyst/Principal (0233) | Date | Assistant Program Budget Manager | Date |
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| Department Deputy Director | Date |
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| Governor's Office: | By: | Date: | Position Approved _____ |
| | | | Position Disapproved _____ |

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

AUTHOR

AMENDMENT DATE

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COMMENTS, continued

- An agreement with the defendant to plead guilty and follow the terms and conditions of the program, as specified.
- An agreement that if the defendant fails to comply with any condition of the program, the court will render a finding of guilty to the charges and sentencing hearing, as specified.
- An explanation of criminal record retention and disposition from entering the deferred entry of judgment program.

| Code/Department Agency or Revenue Type | (Fiscal Impact by Fiscal Year) | | | | | | | | Fund Code |
|--|--------------------------------|------------------------|-----------|----------|---------------|-------|-----------|----|--------------|
| | SO | (Dollars in Thousands) | | | | | | | |
| | LA | CO | PROP | FC | 2010-2011 | FC | 2011-2012 | FC | |
| RV | 98 | FC | 2010-2011 | FC | 2011-2012 | FC | 2012-2013 | FC | Code |
| 0250/Jud Branch | SO | No | ----- | No/Minor | Fiscal Impact | ----- | | | 0001 |
| 5225/Corr & Rehab | SO | No | ----- | No/Minor | Fiscal Impact | ----- | | | 0001 |