

## END CLASS C MISDEMEANOR TRUANCY PROSECUTIONS FOR CHILDREN UNDER 12

### PROBLEM

Currently, a child as young as 6 years old in Texas can be prosecuted for a Class C misdemeanor for truancy (meaning the child has ten or more unexcused absences within a six-month period, or three or more unexcused absences within a four-week period). This exposure to criminal courts at such a young age is not only damaging, it has not been shown to deter truancy.

### KEY FINDINGS

- In 2009, Texas issued over 120,000 truancy violations, a Class C misdemeanor. Children as young as 6 can be prosecuted for truancy in Texas.<sup>1</sup>
- Exposure to criminal courts at a young age has not been shown to deter truancy; instead, the introduction of these very young children into criminal courts will likely initiate harsh labeling and stigmatization that may increase their risk for future system involvement.
- The impact of a truancy citation is long lasting, leading to serious negative affects in a child's future. For example, if a youth fails to pay the truancy fine, a court may issue a Notice of Continuing Obligations – and then an arrest warrant – when the youth turns 17. Thousands of young adults in Texas are arrested each year for unpaid truancy obligations. African American and Latino youth are disproportionately affected by this practice, with 30 percent of the warrants issued for African American youth and 59 percent issued for Latino youth.<sup>2</sup>
- Prioritizing truancy prevention measures could save Texas millions of dollars each year. Front-end investments can reduce dropout rates and minimize further involvement in the costly school-to-prison pipeline.

### SOLUTION: SUPPORT S.B. 1489 BY SENATOR WHITMIRE

- **S.B. 1489 will protect children younger than 12.** The bill raises the minimum age for truancy to 12 years old. This common sense change recognizes that very young children are not solely responsible for their truancy, and that a Class C misdemeanor charge is unlikely to shape the conduct of a very young child.
- **S.B. 1489 will prioritize prevention, leading to cost savings.** The bill requires school districts to implement truancy prevention measures. These prevention efforts are likely to lead to significant cost savings for Texas.
- **S.B. 1489 time-limits some of the long-lasting harmful effects of a truancy charge.** The bill requires that truancy convictions be expunged once a student obtains a high school diploma or equivalent. The bill also limits dispositional orders to the earlier of 180 days or the end of the school year.

<sup>1</sup> Texas Appleseed, *Ticketing, Arrest & Use of Force in Schools*, (December 2010), 76, [http://www.texasappleseed.net/images/stories/reports/Ticketing\\_Booklet\\_web.pdf](http://www.texasappleseed.net/images/stories/reports/Ticketing_Booklet_web.pdf).

<sup>2</sup> *Ibid.*, 71.