

STATE OF TEXAS §

COUNTY OF FORT BEND §

RESOLUTION SUPPORTING STATE LEGISLATION TO ALLOW MAGISTRATES TO HEAR MATTERS ALLEGING A VIOLATION OF SECTIONS 25.093 OR 25.094 OF THE EDUCATION CODE WITHIN FORT BEND COUNTY

- WHEREAS,** Annually, thousands of juveniles are found to violate Section 25.093 or 25.094 of the Education Code within Fort Bend County; and
- WHEREAS,** The Fort Bend County Juvenile Probation Office has determined that effective diversion programs can be successful in reducing truancy; and
- WHEREAS,** Consistency in sentencing and consolidation of services in the handling of juvenile truancy is a key component in reducing the recidivism of delinquent referrals; and
- WHEREAS,** An effective program can reduce delinquent referrals, and has also been shown to increase overall GPA for those juveniles, decrease the number of school discipline referrals, and reduce the number of school suspensions;

THEREFORE, BE IT RESOLVED that Fort Bend County Commissioners Court hereby offers this Resolution, demonstrated by our official signatures below, in support of State legislation to allow magistrates to hear matters alleging a violation of Section 25.093 or 25.094, Education Code within Fort Bend County.

It is hereby ordered by Commissioners Court this day of February 8, 2011.

Robert Hebert

Robert Hebert, County Judge

Richard Morrison

Richard Morrison
Commissioner Precinct One

Andy Meyers

Andy Meyers
Commissioner Precinct Three

Grady Prestage

Grady Prestage
Commissioner Precinct Two

James Patterson

James Patterson
Commissioner Precinct Four

ATTEST:

Dianne Wilson

Dianne Wilson, County Clerk



2-8-11 copy received



Alton L. Frailey
SUPERINTENDENT

January 25, 2011

Fort Bend County Juvenile Board
Fort Bend County Commissioner's Court
301 Jackson Street
Richmond, TX 77469

To Whom It May Concern:

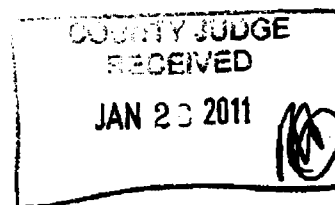
The purpose of this letter is to communicate Katy Independent School District's support of the creation of a centralized court to handle all truancy cases in Fort Bend County. The establishment of this court would enable the county to appoint an associate judge to process all Fort Bend County truancy cases in a consistent and timely manner.

District officials are keenly aware of the link between student attendance, academic achievement, and juvenile delinquency. Therefore, Katy Independent School District views the proposed court as an opportunity to participate in a collaborative partnership that would benefit both students and the community at large.

Katy Independent School District is most appreciative of the vision and leadership demonstrated by the Fort Bend Juvenile Probation Department and Judge Hebert in developing a concept expected to result in improved student attendance and academic performance.

Sincerely,

Alton Frailey
Superintendent



Lamar CISD

A Proud Tradition • A Bright Future

Thomas Randle, Ed.D. Superintendent of Schools

Tel: 832.223.0110 / Fax: 832.223.0111 / terandle@lcisd.org / www.lcisd.org
3911 Avenue I / Rosenberg, Texas 77471

September 20, 2010

Fort Bend County Juvenile Board

Fort Bend County Commissioners Court

I am writing to express Lamar Consolidated Independent School District support of a single centralized court for handling of all compulsory attendance cases in Fort Bend County. This measure would provide the county the ability to establish and appoint an associate judge to process all Fort Bend County compulsory attendance cases in a consistent and timely fashion.

Fort Bend County officials are keenly aware of the direct link between compulsory attendance and juvenile delinquency. Lamar Consolidated Independent School District has benefitted greatly from the partnership with the courts, the District Attorney's Office, and Juvenile Probation Department in creating productive and successful students throughout our community. Lamar Consolidated Independent School District looks forward to continued involvement in this process and supportive effort ensuring all our student will be successful.

Fort Bend Juvenile Probation Department has shown great vision and County Judge Hebert providing leadership in developing this concept to assure student success and Lamar Consolidated Independent School District is forever grateful.

Please feel free to contact me at 832-223-0110 or terandle@lcisd.org.

Sincerely,



Thomas Randle, Ed.D.
Superintendent



Needville Independent School District

16227 HIGHWAY 36 • P.O. BOX 412 • NEEDVILLE, TEXAS 77461 • 979-793-4308 • FAX: 979-793-3823

January 24, 2011

Fort Bend County Juvenile Board and Fort Bend County Commissioners Court,

Needville Independent School District supports a single centralized court for hearing all compulsory attendance cases in Fort Bend County. We feel it will provide the ability for the county to establish and appoint an associate judge to process all the compulsory attendance cases in a consistent and timely fashion. Attending school is vital for the districts to educate our youth. Everything related to education from actual teaching and learning to school finance hinges first on the children attending school.

Needville ISD, like other Fort Bend County Independent School Districts, appreciates the support the county provides and the leadership to develop a concept such as which will improve efficiency and consistency throughout the county. We look forward to working together to prepare our youth for their future and the future of Fort Bend County.

Sincerely,

Curtis Rhodes
Superintendent

REACHING FOR NEW HEIGHTS OF EXCELLENCE!

Elementary School
979-793-4241

Middle School
979-793-3027

Junior High School
979-793-4250

High School
979-793-4158

S.B. _____

AN ACT

relating to the creation of magistrates in Fort Bend County:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1 Chapter 54 , Government Code is amended by adding Subchapter ____ to read as follows:

§ 54.____. APPOINTMENT. (a) The county judge may appoint one or more part-time or full-time magistrates to hear matters alleging a violation of Section 25.093 or 25.094, Education Code referred to such magistrate by a court having jurisdiction over the alleged violation.

(b) An appointment under Subsection (a) is subject to the approval of the commissioners court.

(c) A magistrate serves at the pleasure of the county judge.

§ 54.____. QUALIFICATIONS. A magistrate must:

- (1) be a citizen of this state;
- (2) have resided in Fort Bend County for at least 6 months preceding the person's appointment ; and
- (3) have one of the following qualifications
 - (a) been a justice of the peace for at least 4 years prior to appointment, includes retired justice of the peace;or
 - (b) have been licensed to practice law in this state for at least four years preceding the date of appointment.

§ 54._____. COMPENSATION. A magistrate is entitled to the compensation set by the commissioners court. The compensation shall be paid from the general fund of the county.

§ 54._____. POWERS. A magistrate to whom a matter under this subsection is referred may:

- (a)
 - (1) conduct hearings;
 - (2) hear evidence;
 - (3) issue summons for the appearance of witnesses;
 - (4) examine witnesses;
 - (5) swear witnesses for hearings;
 - (6) recommend the rulings, orders, or judgment to be made in a case;
 - (7) regulate proceedings in a hearing;
 - (8) accept a plea of guilty or nolo contendere in a matter alleging a violation of Section 25.093 or 25.094, Education Code and assess fines and/or costs of court or assess community service in satisfaction of such fine or costs in accordance with Article 45.049, Code of Criminal Procedure;
 - (9) enter an order suspending sentence and deferral of final disposition that includes one or more of the requirements listed in Article 45.051, Code of Criminal Procedure.
 - (10) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral including the entry of an order that includes one or more of the requirements listed in Article 45.054, Code of Criminal Procedure
 - (11) If the magistrate believes that a child has violated an order issued under Article 45.054 Code of Criminal Procedure, the court may proceed as authorized by Article 45.050, Code of Criminal Procedure. In this article, "child" has the meaning assigned by Article 45.058(h)Code of Criminal Procedure.

(b) A magistrate may not rule on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending prosecution under Section 25.093 or 25.094, Education Code , but the magistrate may make findings, conclusions, and recommendations on those issues.

§ 54._____. NOT GUILTY PLEA ENTERED Upon the entry of a not guilty plea the magistrate shall refer the matter back to the referring court for all further pre-trial matters and a full trial before the court and/or jury.

§ 54._____. PAPERS TRANSMITTED TO JUDGE AND CONTINUED JURISDICTION.

(a) At the conclusion of a hearing, the magistrate shall transmit to the judge of the referring court:

- (1) the magistrate's findings and recommendations;
- (2) a statement that notice of the findings and recommendations and of the right to a hearing before the judge has been given to all parties; and;
- (3) all other documents requested by the referring Court.

(b) The findings and/or recommendations of the magistrate are final for purposes of appeal unless such findings are modified or rejected not later than the 5th day after the date the judge receives the findings and/or recommendations.

(c) The judge shall send written notice of any modification or rejection of the magistrate's recommendations to the state and all parties within 5 days of such modification or rejection.

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house as provided by Section 39 , Article III, Texas Constitution . If this Act does not receive

the vote necessary for immediate effect, this Act takes effect
September 1, 2011.