

Regular Session, 2009

HOUSE BILL NO. 731

BY REPRESENTATIVES DOWNS, ARMES, AUBERT, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, CORTEZ, DIXON, DOVE, FOIL, HARDY, HOFFMANN, LITTLE, PERRY, PUGH, RITCHIE, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, PATRICIA SMITH, AND THIBAUT AND SENATORS APPEL, CROWE, KOSTELKA, LONG, MICHOT, SMITH, AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 14:92.2(A)(2)(c) and R.S. 17:221(A)(1) and (2) and Children's
3 Code Article 728(4) and to enact R.S. 14:92.2(B)(4) and R.S. 17:233(B)(1)(d)(iii)
4 and (iv), all relative to the habitual absence and tardiness of students from school;
5 to provide relative to the crime of improper supervision of a minor as it relates to
6 habitually absent or tardy students; to provide penalties and minimum conditions of
7 probation for certain violations by parents or legal custodians of such students
8 including fines, school or community service, attendance in parenting classes and
9 family counseling programs, and the suspension of certain licenses; to provide
10 relative to multiple offenses committed by parents or legal guardians; to provide
11 relative to definitions; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:92.2(A)(2)(c) is hereby amended and reenacted and R.S.
14 14:92.2(B)(4) is hereby enacted to read as follows:

15 §92.2. Improper supervision of a minor by parent or legal custodian; penalty
16 A. Improper supervision of a minor by a parent or legal custodian, who has
17 care and control of the minor, includes any of the following:

18 * * *

19 (2) Through criminal negligence, the permitting of the minor:

20 * * *

1 (c) To habitually be ~~a truant~~ absent or tardy from school pursuant to the
2 provisions of R.S. 17:233 without valid excuse.

3 * * *

4 B.

5 * * *

6 (4) Whoever violates the provisions of Subparagraph (A)(2)(c) of this
7 Section, shall be fined not less than twenty-five dollars and not more than two
8 hundred fifty dollars for each offense, or imprisoned for not more than thirty days,
9 or both. The court shall impose a minimum condition of probation which may
10 include that the parent or legal custodian participate in forty hours of school or
11 community service activities, or a combination of forty hours of school or
12 community service and attendance in parenting classes or family counseling sessions
13 or programs approved by the court having jurisdiction, as applicable, or the
14 suspension of any state-issued recreational license.

15 * * *

16 Section 2. R.S. 17:221(A)(1) and (2) are hereby amended and reenacted and R.S.
17 17:233(B)(1)(d)(iii) and (iv) are hereby enacted to read as follows:

18 §221. School attendance; compulsory ages; duty of parents; excessive absences;
19 consent to withdraw; condition for driving privileges

20 A.(1) Every parent, tutor, or other person residing within the state of
21 Louisiana having control or charge of any child from that child's seventh birthday
22 until his eighteenth birthday shall send such child to a public or private day school,
23 unless the child graduates from high school prior to his eighteenth birthday. Any
24 child below the age of seven who legally enrolls in school shall also be subject to the
25 provisions of this Subpart. Every parent, tutor, or other person responsible for
26 sending a child to a public or private day school under provisions of this Subpart
27 shall also assure the attendance of such child in regularly assigned classes during
28 regular school hours established by the school board and shall assure that such child
29 is not habitually tardy from school pursuant to the provisions of R.S. 17:233.

1 (2) Whoever violates the provisions of this Subsection or R.S. 17:234 shall
 2 be fined not more than two hundred and fifty dollars or imprisoned not more than
 3 thirty days, or both. The court shall impose a minimum condition of probation which
 4 may include that the parent, tutor, or other person having control or charge of the
 5 child participate in forty hours of school or community service activities, or a
 6 combination of forty hours of school or community service and attendance in
 7 parenting classes or family counseling sessions or programs approved by the court
 8 having jurisdiction, as applicable, or the suspension of any state-issued recreational
 9 license.

10 * * *

11 §233. Cases of habitual absence or tardiness referred to juvenile or family court;
 12 denial or suspension of driving ~~privileges~~ privileges

13 * * *

14 B.(1)

15 * * *

16 (d) The parent or legal guardian of any student in kindergarten through grade
 17 eight who is considered habitually absent or habitually tardy pursuant to the
 18 provisions of this Section shall be in violation of the provisions of Subparagraph (b)
 19 of this Paragraph and shall be punished as follows:

20 * * *

21 (iii) For purposes of this Subparagraph, an offense means a violation of this
 22 Subsection by the parent or legal guardian of a child who is habitually absent or
 23 habitually tardy; multiple offenses may result from violations involving different
 24 habitually absent or tardy children of that parent or legal guardian.

25 (iv) In any case where the child is the subject of a court ordered custody or
 26 visitation plan, the parent or legal guardian who is lawfully exercising actual
 27 physical custody or visitation of the child shall be responsible for the child's
 28 attendance at school on those days and shall be solely responsible for any absence
 29 or tardiness of the child on such days. The parent or legal guardian not exercising

1 actual physical custody or visitation on the day of the absence or tardiness shall not
2 be in violation of this Section.

3 * * *

4 Section 3. Children's Code Article 728(4) is hereby amended and reenacted to read
5 as follows:

6 Art. 728. Definitions

7 As used in this Title:

8 * * *

9 (4) "Truant" means the repeated or habitual unauthorized absence or
10 tardiness of a child from school pursuant to the provisions of R.S. 17:233 by a child
11 who is subject to the compulsory attendance laws of this state.

12 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.