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**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 4003**

(By Delegates Walker, Perry, Paxton, Poling, M., Pethtel)  
[Passed March 4, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended, relating to jurisdiction to enforce compulsory school attendance; granting jurisdiction in either county when county of residence and school of enrollment are different.

*Be it enacted by the Legislature of West Virginia:*

That §18-8-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

**§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.**

(a) Any person who, after receiving due notice, shall fail to cause a child or children under eighteen years of age in that person's legal or actual charge to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be

1 fined not less than fifty nor more than \$100 together with the  
2 costs of prosecution, or required to accompany the child to school  
3 and remain through the school day for so long as the magistrate or  
4 judge may determine is appropriate. The magistrate or judge, upon  
5 conviction and pronouncing sentence, may delay the sentence for a  
6 period of sixty school days provided the child is in attendance  
7 everyday during said sixty-day period. Following the sixty-day  
8 period, if said child was present at school for every school day,  
9 the delayed sentence may be suspended and not enacted. Upon  
10 conviction of a second offense, a fine may be imposed of not less  
11 than \$50 nor more than \$100 together with the costs of prosecution  
12 and the person may be required to accompany the child to school and  
13 remain throughout the school day until such time as the magistrate  
14 or judge may determine is appropriate or confined in jail not less  
15 than five nor more than twenty days. Every day a child is out of  
16 school contrary to this article shall constitute a separate  
17 offense. Magistrates shall have concurrent jurisdiction with  
18 circuit courts for the trial of offenses arising under this  
19 section.

20 (b) Any person eighteen years of age or older who is enrolled  
21 in school who, after receiving due notice, fails to attend school  
22 in violation of this article or without just cause, shall be guilty  
23 of a misdemeanor and, shall, upon conviction of a first offense, be  
24 fined not less than \$50 nor more than \$100 together with the costs  
25 of prosecution and required to attend school and remain throughout

1 the school day. The magistrate or judge, upon conviction and  
2 pronouncing sentence, may delay the imposition of a fine for a  
3 period of sixty school days provided the person is in attendance  
4 every day during said sixty-day period. Following the sixty-day  
5 period, if said student was present at school everyday, the delayed  
6 sentence may be suspended and not enacted. Upon conviction of a  
7 second offense, a fine may be imposed of not less than \$50 nor  
8 more than \$100 together with the costs of prosecution and the  
9 person may be required to go to school and remain throughout the  
10 school day until such time as the person graduates or withdraws  
11 from school or confined in jail not less than five nor more than  
12 twenty days. Every day a student is out of school contrary to this  
13 article shall constitute a separate offense. Magistrates shall  
14 have concurrent jurisdiction with circuit courts for the trial of  
15 offenses arising under this section.

16 (c) Upon conviction of a third offense, any person eighteen  
17 years of age or older who is enrolled in school shall be withdrawn  
18 from school during the remainder of that school year. Enrollment  
19 of that person in school during the next school year or years  
20 thereafter shall be conditional upon all absences being excused as  
21 defined in law, state board policy and county board of education  
22 policy. More than one unexcused absence of such a student shall be  
23 grounds for the director of attendance to authorize the school to  
24 withdraw the person for the remainder of the school year.  
25 Magistrates shall have concurrent jurisdiction with circuit courts

1 for the trial of offenses arising under this section.

2       (d) Jurisdiction to enforce compulsory school attendance laws  
3 lies in the county in which a student resides and in the county  
4 where the school at which the student is enrolled is located. When  
5 the county of residence and enrollment are different, an action to  
6 enforce compulsory school attendance may be brought in either  
7 county and the magistrates and circuit courts of either county have  
8 concurrent jurisdiction for the trial of offenses arising under  
this section.