

1 **H. B. 4003**

2
3 (By Delegates Walker, Perry, Paxton,
4 Poling, M., Pethtel)

5 [Introduced January 8, 2014; referred to the
6 Committee on Education.]
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10 A BILL to amend and reenact §18-8-2 of the Code of West Virginia,
11 1931, as amended, relating to granting dual jurisdiction to
12 counties where a student who lives in one county and attends
13 school in another in order to enforce truancy policies.

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

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

17 **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

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

19 (a) Any person who, after receiving due notice, shall fail to
20 cause a child or children under eighteen years of age in that
21 person's legal or actual charge to attend school in violation of
22 ~~the provisions of~~ this article or without just cause, shall be
23 guilty of a misdemeanor and, shall, upon conviction of a first
24 offense, be fined not less than fifty nor more than \$100 together

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

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

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

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

1 withdraw the person for the remainder of the school year.
2 Magistrates shall have concurrent jurisdiction with circuit courts
3 for the trial of offenses arising under this section.

4 (d) If a student lives in one county and attends school in
5 another county, the jurisdiction to hear an action to enforce the
6 truancy provisions of this code or other provisions of this article
7 lie in both counties and that action may be brought by either
8 county board of education, or both.

NOTE: The purpose of this bill is to grant dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.