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September 30, 2008

FILE # ML-45848-08
I.D. # 45848

Honorable Greg Abbott
Attorney General of Texas
P. O. Box 12548
Austin, Texas 78711

R.Q. - 0748-GA

Re: Request for opinion

Dear Attorney General Abbott:

I hereby request an opinion regarding the authority granted to a justice of the peace court in truancy cases over individuals residing or attending school outside her precinct but in her county.

Background:

A justice of the peace has requested that I assist her in clarifying her legal purview in handling truancy cases that involve individuals residing or attending school outside her precinct but in her county. Under Chapter 25.094 (b) (2) of the Education Code the statute reads:

"(2) a justice court of any precinct in the county in which the individual resides or in which the school is located;"

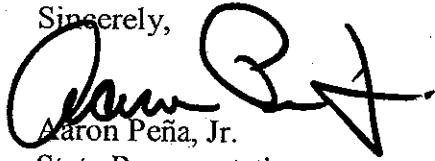
The justice of the peace reports that her legal authority to preside over cases regarding individuals from her county has been challenged.

Question:

Can a justice of the peace hear truancy cases regarding students from school districts not in the justice of the peace's precinct?

Thank you for consideration of this request. If you need more information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Peña, Jr.', with a stylized flourish at the end.

Aaron Peña, Jr.
State Representative