

## CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

### Sec. 13-73. Truancy.

(a) "Truancy" means the unexcused absence of any child age six to sixteen from any school. The occurrence of five or more unexcused absences of any child age six to sixteen during a semester or ten unexcused absences during a school year shall raise a presumption that the child was truant in violation of this section.

(b) "Unexcused absence" means an absence that within twenty four (24) hours after it has occurred has not been authorized by the parents, guardian or any person having legal custody of any pupil age six to sixteen enrolled in a school. It shall be presumed that the absence is an unexcused absence for purposes of this section upon the failure of the parents, guardian or any person having legal custody of any pupil age six to sixteen enrolled in a school to contact the school and authorize the absence within twenty four (24) hours after the absence.

(c) Every parent, guardian or other person having legal custody of a minor child between the ages of six (6) and sixteen (16) years shall send the child to school for the full time that school is in session within the school district in which the minor resides, except that if a school is operated on a year-round basis the minor shall attend school sessions which total not less than one hundred seventy-five (175) days, or the equivalent as approved by the Arizona superintendent of public instruction during the school year.

(d) It is unlawful for any person under the age of sixteen (16) years to fail to attend school during regularly scheduled school session unless authorized not to attend school by their parent, guardian, or other person having legal custody of the minor. This subsection shall not apply to any minor who has been excused by the Maricopa County school superintendent from attending school pursuant to A.R.S. '15-802.B.1-9

(e) A person is excused from the duty imposed by subsection a, if any of the requirements of A.R.S. '15-802.B.1-9 are met.

(f) The school attendance officer or school district employees who have knowledge of a child between the ages of six and sixteen years and/or parent, guardian or other person having legal custody of a minor child who are in violation of this section or Title 15, Chapter 8, Article 1, Section 15-802, Arizona Revised Statutes, by having more than five unexcused absences in a semester or more than ten unexcused absences in a school year have a duty to report such violation to the local law enforcement agency or prosecutor and request that it investigate and/or prosecute the violation. The local law enforcement agency or prosecutor shall annually notify the school superintendent annually of each school district within the city of the school district duties under this subsection.

(g) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), Together with the

## CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

surcharge required by this chapter, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00), Together with the surcharge required by this chapter, which may not be waived or suspended. The court may additionally require such persons to be placed on probation, perform community service, to successfully complete counseling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.

(h) Any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.

(i) Effective July 17, 1994, any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of fifty dollars (\$50.00). The court may order the child to pay a maximum fine of one hundred and fifty dollars (\$150.00), Plus lawful surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.

State Law Reference A.R.S. §8-232

State Law Reference A.R.S. §15-802.

(Ord. No. 92-04, 2/11/92, Enacted)

(Ord. No. 94-31, 7/5/94, Amended)

(Ord. No. 94-59, 8/2/94, Amended)