

By: Burns

H.B. No. 961

A BILL TO BE ENTITLED

AN ACT

relating to the authority to issue a citation for certain Class C misdemeanors committed by certain children on school property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 37.143, Education Code, is amended to read as follows:

Sec. 37.143. ISSUANCE OF CITATION [~~PROHIBITED~~]; CUSTODY OF CHILD.

SECTION 2. Section 37.143(a), Education Code, is amended to read as follows:

(a) A peace officer, law enforcement officer, or school resource officer may not issue a citation to a child who is alleged to have committed a school offense unless the child is alleged to have committed the offense while the child was in a disciplinary alternative education program.

SECTION 3. Section 37.145, Education Code, is amended to read as follows:

Sec. 37.145. CITATION OR COMPLAINT. If a child is alleged to have committed a school offense:

(1) a peace officer, law enforcement officer, or school resource officer may issue a citation to the child, if the issuance of a citation is authorized under Section 37.143; or

(2) [~~If a child fails to comply with or complete graduated sanctions under Section 37.144, or if the school district~~

1 ~~has not elected to adopt a system of graduated sanctions under that~~
2 ~~section,~~] the school may file a complaint against the child with a
3 criminal court in accordance with Section 37.146, if the child
4 fails to comply with or complete graduated sanctions under Section
5 37.144 or if the school district has not elected to adopt a system
6 of graduated sanctions under that section.

7 SECTION 4. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 5. This Act takes effect September 1, 2021.