

## **BILL ANALYSIS**

C.S.H.B. 2117  
By: Brown, Fred  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current Texas law, higher education institutions have unclear guidelines on how to deal with specific individuals who may be a significant threat to human life on campus. Although in most instances institutions take action to some extent, they do so with unclear legal support. High schools already have the authority to remove students who may be a threat from the campus. Providing a higher education institution with the legal backing to remove a dangerous individual can potentially eliminate deadly tragedies.

CSHB 2117 explicitly grants the chief administrative officer of an institution of higher education the power to remove a student or employee from campus who is determined to be a substantial and material threat to human life. Each institution must develop a procedure for removal which includes due process for any affected individual.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 2117 amends Subchapter Z, Chapter 51, Education Code by adding Section 51.9365 to provide that the president or other chief executive officer of an institution of higher education shall provide for the identification of a student or employee who constitutes a substantial threat to human life on the campus or other facility of the institution. The bill provides that a student or employee who is determined to be a substantial threat to another student or employee under this section may be removed from the campus or facility.

CSHB 2117 provides that an institution of higher education shall establish procedures under this section for the filing of complaints or reports by students and employees of persons who may constitute a substantial threat to human life; and the removal of a student or employee from the campus or facility. The procedures established under this section shall ensure due process rights for all persons under applicable state and federal law, and, as appropriate, ensure adequate confidentiality of records.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute conforms the original to Texas Legislative Council style and format.

