

By: Bailey

H.B. No. 561

A BILL TO BE ENTITLED

1 AN ACT

2 relating to possession of knives by students on public school
3 grounds or at school-sponsored events.

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

5 SECTION 1. Section 37.007(b), Education Code, is amended to
6 read as follows:

7 (b) A student may be expelled if the student:

8 (1) engages in conduct involving a public school that
9 contains the elements of the offense of false alarm or report under
10 Section 42.06, Penal Code, or terroristic threat under Section
11 22.07, Penal Code; or

12 (2) while on school property or while attending a
13 school-sponsored or school-related activity on or off of school
14 property:

15 (A) sells, gives, or delivers to another person
16 or possesses, uses, or is under the influence of any amount of:

17 (i) marihuana or a controlled substance, as
18 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
19 Section 801 et seq.;

20 (ii) a dangerous drug, as defined by
21 Chapter 483, Health and Safety Code; or

22 (iii) an alcoholic beverage, as defined by
23 Section 1.04, Alcoholic Beverage Code;

24 (B) engages in conduct that contains the elements

1 of an offense relating to an abusable volatile chemical [~~glue or~~
2 ~~aerosol paint~~] under Sections 485.031 through 485.034 [~~485.035~~],
3 Health and Safety Code [~~, or relating to volatile chemicals under~~
4 ~~Chapter 484, Health and Safety Code~~]; [~~or~~]

5 (C) engages in conduct that contains the elements
6 of an offense under Section 22.01(a)(1), Penal Code, against a
7 school district employee or a volunteer as defined by Section
8 22.053; or

9 (D) possesses a knife other than a knife
10 prohibited by Subsection (a).

11 SECTION 2. Subchapter C, Chapter 37, Education Code, is
12 amended by adding Section 37.085 to read as follows:

13 Sec. 37.085. POSSESSION OF KNIVES. (a) Except as provided
14 by Subsection (c), a student may not possess a knife of any type
15 while on school property or while attending a school-sponsored or
16 school-related activity on or off school property.

17 (b) A school district may establish disciplinary measures
18 to be imposed for a violation of this section. The disciplinary
19 measures must be consistent with requirements relating to expulsion
20 of a student or placement of a student in an alternative education
21 program under Subchapter A.

22 (c) This section does not prohibit possession of a knife
23 provided by or permitted by a school district while the knife is
24 being used for the purpose authorized by the district.

25 SECTION 3. This Act applies beginning with the 2003-2004
26 school year.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.