

1-1 By: Lindsay S.B. No. 596
1-2 (In the Senate - Filed February 19, 2003; February 25, 2003,
1-3 read first time and referred to Committee on Education;
1-4 April 7, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 7, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 596 By: Staples

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to discipline of public school students.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 37.001, Education Code, is amended by
1-13 adding Subsection (d) to read as follows:

1-14 (d) Except as provided by Section 37.007(e), this
1-15 subchapter does not require the student code of conduct to specify
1-16 any particular minimum term of an alternative education placement
1-17 under Section 37.006 or of an expulsion under Section 37.007.

1-18 SECTION 2. Subchapter A, Chapter 37, Education Code, is
1-19 amended by adding Section 37.0011 to read as follows:

1-20 Sec. 37.0011. CULPABLE MENTAL STATE REQUIRED. A school
1-21 district may not punish a student under this subchapter based on
1-22 conduct that contains the elements of an offense under the Penal
1-23 Code unless the principal, board of trustees, or other person
1-24 authorized under Section 37.009 to review the conduct determines
1-25 that the student had the culpable mental state required for that
1-26 offense under the Penal Code.

1-27 SECTION 3. Subsection (a), Section 37.007, Education Code,
1-28 is amended to read as follows:

1-29 (a) A student shall be expelled from a school if the
1-30 student, on school property or while attending a school-sponsored
1-31 or school-related activity on or off of school property:

1-32 (1) except as provided under Subsection (e),
1-33 intentionally, knowingly, or recklessly uses, exhibits, or
1-34 possesses:

1-35 (A) a firearm as defined by Section 46.01(3),
1-36 Penal Code;

1-37 (B) an illegal knife as defined by Section
1-38 46.01(6), Penal Code, or by local policy;

1-39 (C) a club as defined by Section 46.01(1), Penal
1-40 Code; or

1-41 (D) a weapon listed as a prohibited weapon under
1-42 Section 46.05, Penal Code;

1-43 (2) engages in conduct that contains the elements of
1-44 the offense of:

1-45 (A) aggravated assault under Section 22.02,
1-46 Penal Code, sexual assault under Section 22.011, Penal Code, or
1-47 aggravated sexual assault under Section 22.021, Penal Code;

1-48 (B) arson under Section 28.02, Penal Code;

1-49 (C) murder under Section 19.02, Penal Code,
1-50 capital murder under Section 19.03, Penal Code, or criminal
1-51 attempt, under Section 15.01, Penal Code, to commit murder or
1-52 capital murder;

1-53 (D) indecency with a child under Section 21.11,
1-54 Penal Code; or

1-55 (E) aggravated kidnapping under Section 20.04,
1-56 Penal Code; or

1-57 (3) engages in conduct specified by Section
1-58 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

1-59 SECTION 4. (a) Section 37.0011, Education Code, as added
1-60 by this Act, applies to punishment imposed under Subchapter A,
1-61 Chapter 37, Education Code, on or after the effective date of this
1-62 Act regardless of when the conduct on which the punishment is based
1-63 occurred.

2-1 (b) Subsection (a), Section 37.007, Education Code, as
2-2 amended by this Act, applies to the expulsion of a student under
2-3 that subsection on or after the effective date of this Act
2-4 regardless of when the conduct on which the expulsion is based
2-5 occurred.
2-6 SECTION 5. This Act takes effect immediately if it receives
2-7 a vote of two-thirds of all the members elected to each house, as
2-8 provided by Section 39, Article III, Texas Constitution. If this
2-9 Act does not receive the vote necessary for immediate effect, this
2-10 Act takes effect September 1, 2003.

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