

By: Shapiro

S.B. No. 1109

A BILL TO BE ENTITLED

1 AN ACT

2 relating to revocation of the certificate and termination of the
3 employment of public school educators convicted of certain
4 offenses.

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

6 SECTION 1. Subchapter B, Chapter 21, Education Code, is
7 amended by adding Section 21.058 to read as follows:

8 Sec. 21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF
9 EMPLOYMENT BASED ON CONVICTION OF CERTAIN OFFENSES. (a) This
10 section applies only:

11 (1) to conviction of an offense under Title 5, Penal
12 Code, or an offense on conviction of which a defendant is required
13 to register as a sex offender under Chapter 62, Code of Criminal
14 Procedure; and

15 (2) if the victim of the offense is under 18 years of
16 age.

17 (b) Notwithstanding Section 21.041(7), not later than the
18 fifth day after the date the board receives notice under Article
19 42.018, Code of Criminal Procedure, of the conviction of a person
20 who holds a certificate under this subchapter, the board shall:

21 (1) revoke the certificate held by the person; and

22 (2) provide to the person and to any school district or
23 open-enrollment charter school employing the person at the time of
24 revocation written notice of:

1 (A) the revocation; and

2 (B) the basis for the revocation.

3 (c) A school district or open-enrollment charter school
4 that receives notice under Subsection (b) of the revocation of a
5 certificate issued under this subchapter shall:

6 (1) immediately remove the person whose certificate
7 has been revoked from campus or from an administrative office, as
8 applicable, to prevent the person from having any contact with a
9 student; and

10 (2) as soon as practicable, terminate the employment
11 of the person in accordance with the person's contract and with this
12 subchapter.

13 SECTION 2. Chapter 42, Code of Criminal Procedure, is
14 amended by adding Article 42.018 to read as follows:

15 Art. 42.018. NOTICE PROVIDED BY CLERK OF COURT. (a) This
16 article applies only:

17 (1) to conviction of an offense under Title 5, Penal
18 Code, or an offense on conviction of which a defendant is required
19 to register as a sex offender under Chapter 62; and

20 (2) if the victim of the offense is under 18 years of
21 age.

22 (b) Not later than the fifth day after the date a person who
23 holds a certificate issued under Subchapter B, Chapter 21,
24 Education Code, is convicted of an offense, the clerk of the court
25 in which the conviction is entered shall provide to the State Board
26 for Educator Certification written notice of the person's
27 conviction, including the offense on which the conviction was

1 based.

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