

1-1 By: Shapiro S.B. No. 1109  
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read  
1-3 first time and referred to Committee on Education; April 7, 2003,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 8, Nays 0; April 7, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1109 By: Shapiro

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to revocation of the certificate and termination of the  
1-10 employment of public school educators convicted of certain  
1-11 offenses.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 21, Education Code, is  
1-14 amended by adding Section 21.058 to read as follows:

1-15 Sec. 21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF  
1-16 EMPLOYMENT BASED ON CONVICTION OF CERTAIN OFFENSES. (a) This  
1-17 section applies only:

1-18 (1) to conviction of a felony offense under Title 5,  
1-19 Penal Code, or an offense on conviction of which a defendant is  
1-20 required to register as a sex offender under Chapter 62, Code of  
1-21 Criminal Procedure; and

1-22 (2) if the victim of the offense is under 18 years of  
1-23 age.

1-24 (b) Notwithstanding Section 21.041(b)(7), not later than  
1-25 the fifth day after the date the board receives notice under Article  
1-26 42.018, Code of Criminal Procedure, of the conviction of a person  
1-27 who holds a certificate under this subchapter, the board shall:

1-28 (1) revoke the certificate held by the person; and

1-29 (2) provide to the person and to any school district or  
1-30 open-enrollment charter school employing the person at the time of  
1-31 revocation written notice of:

1-32 (A) the revocation; and

1-33 (B) the basis for the revocation.

1-34 (c) A school district or open-enrollment charter school  
1-35 that receives notice under Subsection (b) of the revocation of a  
1-36 certificate issued under this subchapter shall:

1-37 (1) immediately remove the person whose certificate  
1-38 has been revoked from campus or from an administrative office, as  
1-39 applicable, to prevent the person from having any contact with a  
1-40 student; and

1-41 (2) as soon as practicable, terminate the employment  
1-42 of the person in accordance with the person's contract and with this  
1-43 subchapter.

1-44 (d) A person whose certificate is revoked under Subsection  
1-45 (b) may reapply for a certificate in accordance with board rules.

1-46 SECTION 2. Chapter 42, Code of Criminal Procedure, is  
1-47 amended by adding Article 42.018 to read as follows:

1-48 Art. 42.018. NOTICE PROVIDED BY CLERK OF COURT. (a) This  
1-49 article applies only:

1-50 (1) to conviction or deferred adjudication granted on  
1-51 the basis of:

1-52 (A) an offense under Title 5, Penal Code; or

1-53 (B) an offense on conviction of which a defendant  
1-54 is required to register as a sex offender under Chapter 62; and

1-55 (2) if the victim of the offense is under 18 years of  
1-56 age.

1-57 (b) Not later than the fifth day after the date a person who  
1-58 holds a certificate issued under Subchapter B, Chapter 21,  
1-59 Education Code, is convicted or granted deferred adjudication on  
1-60 the basis of an offense, the clerk of the court in which the  
1-61 conviction or deferred adjudication is entered shall provide to the  
1-62 State Board for Educator Certification written notice of the  
1-63 person's conviction or deferred adjudication, including the

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

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