

BILL ANALYSIS

C.S.H.B. 603
By: Eissler
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSHB 603 clarifies Section 37.007 (a), Education Code, by defining the mens rea required to expel a student from public school for using, exhibiting, or possessing a weapon. Pursuant to this Act, a student will be expelled from school for intentionally, knowingly, or recklessly using, exhibiting, or possessing a weapon.

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 603 expels a student from school if the student intentionally, knowingly or recklessly uses, exhibits or possesses a firearm, illegal knife, club or weapon. A student engaging in the described conduct is not responsible for that conduct if at the time of the conduct the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

EFFECTIVE DATE

The sections amended and added by this Act as to the Expulsion for Serious Offenses, 37.007(a) and (a-1) apply beginning with the 2005 - 2006 school year.

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 603 adds language that a student who engages in conduct as described in this bill is not responsible if at the time of the conduct the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.