

By: Eissler

H.B. No. 603

Substitute the following for H.B. No. 603:

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C.S.H.B. No. 603

A BILL TO BE ENTITLED

AN ACT

relating to the expulsion of a public school student for using,
exhibiting, or possessing a weapon.

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

SECTION 1. Section 37.007, Education Code, is amended by
amending Subsection (a) and adding Subsection (a-1) to read as
follows:

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

(1) except as provided by Subsection (a-1) or (e),
intentionally, knowingly, or recklessly uses, exhibits, or
possesses:

(A) a firearm as defined by Section 46.01(3),
Penal Code;

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

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

(D) a weapon listed as a prohibited weapon under
Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of
the offense of:

(A) aggravated assault under Section 22.02,

1 Penal Code, sexual assault under Section 22.011, Penal Code, or
2 aggravated sexual assault under Section 22.021, Penal Code;

3 (B) arson under Section 28.02, Penal Code;

4 (C) murder under Section 19.02, Penal Code,
5 capital murder under Section 19.03, Penal Code, or criminal
6 attempt, under Section 15.01, Penal Code, to commit murder or
7 capital murder;

8 (D) indecency with a child under Section 21.11,
9 Penal Code;

10 (E) aggravated kidnapping under Section 20.04,
11 Penal Code;

12 (F) aggravated robbery under Section 29.03,
13 Penal Code;

14 (G) manslaughter under Section 19.04, Penal
15 Code; or

16 (H) criminally negligent homicide under Section
17 19.05, Penal Code; or

18 (3) engages in conduct specified by Section
19 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

20 (a-1) A student who engages in conduct described by
21 Subsection (a)(1) is not responsible for the conduct if at the time
22 of the conduct, the student has a disability that substantially
23 impairs the student's capacity to appreciate the wrongfulness of
24 the student's conduct.

25 SECTION 2. Section 37.007(a), Education Code, as amended by
26 this Act, and Section 37.007(a-1), Education Code, as added by this
27 Act, apply beginning with the 2005-2006 school year.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.