

By: Eissler

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(a), Education Code, is amended 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 (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, Penal Code, sexual assault under Section 22.011, Penal Code, or

1 aggravated sexual assault under Section 22.021, Penal Code;

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

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

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

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

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

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

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

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

19 SECTION 2. Section 37.007(a), Education Code, as amended by
20 this Act, applies beginning with the 2005-2006 school year.

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