

By: Talton

H.B. No. 878

A BILL TO BE ENTITLED

AN ACT

relating to the placement of public school students who engage in conduct that contains the elements of certain sexual offenses.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0071 to read as follows:

Sec. 37.0071. RESTRICTING PLACEMENT OF STUDENTS WHO ENGAGE IN CERTAIN CONDUCT. Notwithstanding any other provision of this subchapter and without regard to whether the following conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property, a student may not be placed in a regular classroom or on a regular campus while the student is enrolled in a school district in this state if the student:

(1) has been adjudicated under Section 54.03, Family Code, as having engaged in conduct that contains the elements of the offense of:

(A) indecency with a child under Section 21.11, Penal Code;

(B) sexual assault under Section 22.011, Penal Code; or

(C) aggravated sexual assault under Section 22.021, Penal Code;

(2) has been placed on deferred prosecution under

1 Section 53.03, Family Code, for conduct that contains the elements
2 of an offense specified under Subdivision (1); or

3 (3) has been placed on probation under Section
4 54.04(d)(1), Family Code, for conduct that contains the elements of
5 an offense specified under Subdivision (1).

6 SECTION 2. Section 37.0071, Education Code, as added by
7 this Act, applies only to conduct violating the penal law of this
8 state that occurs on or after the effective date of this Act.
9 Conduct violating the penal law of this state occurs on or after the
10 effective date of this Act if any element of the violation occurs on
11 or after that date.

12 SECTION 3. This Act takes effect September 1, 2005.