

## **BILL ANALYSIS**

C.S.H.B. 2030  
By: Giddings  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are school districts who require school administrators or teachers who witness any physical contact between two students, regardless of the nature and circumstance of the incident, to contact the police. This policy is even in place for children under the age of twelve.

While current law does not specify the types of offenses that would require a school principal to call the police, the law further does not prescribe the specific types of physical contact between two or more students that must result in a call to the police. However, when the police are called to the scene of these incidents, even when the physical contact is playful in nature and has not caused an injury, police officers issue citations for Class C misdemeanor.

Incongruously, students under the age of twelve are being required to sign the citation legally acknowledging receipt of the citation as well as agreeing to be in court. Under current law, if a person or child refuses to sign a citation this action allows the police officer to take the person or child into custody to post a bond for the charge.

Oddly, current law makes no exceptions in criminal procedure for persons under the age of eighteen nor for incidents occurring on school property.

Not only can this practice cause severe psychological trauma to students under the age of twelve, but this practice also encourages students to be afraid of police officers, rather than understanding that police officers are there to serve and protect the community.

C.S.H.B.2030 prohibits a peace officer from requiring a child under the age of twelve to sign a citation on school property during school hours. Additionally, C.S.H.B.2030 requires a parent to sign the citation or allows for a school administrator or teacher to sign for the sole purpose of witnessing the issuance. Finally, C.S.H.B.2030 additionally provides for parent notification of these citations.

### **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**

Amends Subchapter C, Chapter 37 of the Education Code by adding Section 37.086 to provide that a peace officer may not require a child under the age of twelve to sign a citation on school property during school hours. Further requires a parent or school administrator or teacher to sign the citation. If a parent or guardian is not present and cannot be present, the bill provides that a school administrator or teacher shall sign the citation solely as a witness to the issuance. In signing the citation, a school administrator or teacher is not legally committing themselves or assuming responsibility for the student or parent to appear in court. Lastly, this bill requires that a school official notify the student's parent or guardian by phone, mail, or in person within two business days of the issuance of a citation.

### **EFFECTIVE DATE**

September 1, 2007

C.S.H.B. 2030 80(R)

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.2030 modifies the original H.B.2030, by amending the caption to relate to the issuance of citations to certain students on school property during regular school hours, rather than relating to the issuance of citations to children under the age of twelve years old. Further, C.S.H.B.2030 amends Section 37.086 of the Education Code, rather than Article 14.06 of the Code of Criminal Procedure. C.S.H.B.2030 provides that notice of the citation be given to the student's parent or guardian not later than the second business day after the date the citation is issued. Finally, H.B.2030 as originally filed was a non legislative council draft, whereas C.S.H.B.2030 is a legislative council draft.