

By: Corte

H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to the expulsion of students for assault of school employees.

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

SECTION 1. Section 37.006(a), Education Code, is amended to read as follows:

(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, if committed against a person other than a school employee;

(C) engages in reckless conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, if committed against a school employee;

1            (D) sells, gives, or delivers to another person  
2 or possesses or uses or is under the influence of:

3            (i) marihuana or a controlled substance, as  
4 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.  
5 Section 801 et seq.; or

6            (ii) a dangerous drug, as defined by  
7 Chapter 483, Health and Safety Code;

8            (E) [~~(D)~~] sells, gives, or delivers to another  
9 person an alcoholic beverage, as defined by Section 1.04, Alcoholic  
10 Beverage Code, commits a serious act or offense while under the  
11 influence of alcohol, or possesses, uses, or is under the influence  
12 of an alcoholic beverage;

13            (F) [~~(E)~~] engages in conduct that contains the  
14 elements of an offense relating to an abusable volatile chemical  
15 under Sections 485.031 through 485.033 [~~485.034~~], Health and Safety  
16 Code; or

17            (G) [~~(F)~~] engages in conduct that contains the  
18 elements of the offense of public lewdness under Section 21.07,  
19 Penal Code, or indecent exposure under Section 21.08, Penal Code.

20            SECTION 2. Sections 37.007(a) and (b), Education Code, are  
21 amended to read as follows:

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

25            (1) uses, exhibits, or possesses:

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

1 (B) an illegal knife as defined by Section  
2 46.01(6), Penal Code, or by local policy;

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

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

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

9 (A) assault under Section 22.01(a)(1), Penal  
10 Code, if the student acted intentionally or knowingly and the  
11 conduct was committed against a school employee;

12 (B) aggravated assault under Section 22.02,  
13 Penal Code, sexual assault under Section 22.011, Penal Code, or  
14 aggravated sexual assault under Section 22.021, Penal Code;

15 (C) [~~(B)~~] arson under Section 28.02, Penal Code;

16 (D) [~~(C)~~] murder under Section 19.02, Penal  
17 Code, capital murder under Section 19.03, Penal Code, or criminal  
18 attempt, under Section 15.01, Penal Code, to commit murder or  
19 capital murder;

20 (E) [~~(D)~~] indecency with a child under Section  
21 21.11, Penal Code;

22 (F) [~~(E)~~] aggravated kidnapping under Section  
23 20.04, Penal Code;

24 (G) [~~(F)~~] aggravated robbery under Section  
25 29.03, Penal Code;

26 (H) [~~(G)~~] manslaughter under Section 19.04,  
27 Penal Code; or

1                    (I) [~~(H)~~] criminally negligent homicide under  
2 Section 19.05, Penal Code; or

3                    (3) engages in conduct specified by Section  
4 37.006(a)(2)(D) or (E) [~~37.006(a)(2)(C) or (D)~~], if the conduct is  
5 punishable as a felony.

6                    (b) A student may be expelled if the student:

7                    (1) engages in conduct involving a public school that  
8 contains the elements of the offense of false alarm or report under  
9 Section 42.06, Penal Code, or terroristic threat under Section  
10 22.07, Penal Code;

11                    (2) while on or within 300 feet of school property, as  
12 measured from any point on the school's real property boundary  
13 line, or while attending a school-sponsored or school-related  
14 activity on or off of school property:

15                    (A) sells, gives, or delivers to another person  
16 or possesses, uses, or is under the influence of any amount of:

17                    (i) marihuana or a controlled substance, as  
18 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.  
19 Section 801 et seq.;

20                    (ii) a dangerous drug, as defined by  
21 Chapter 483, Health and Safety Code; or

22                    (iii) an alcoholic beverage, as defined by  
23 Section 1.04, Alcoholic Beverage Code;

24                    (B) engages in conduct that contains the elements  
25 of an offense relating to an abusable volatile chemical under  
26 Sections 485.031 through 485.033 [~~485.034~~], Health and Safety Code;

27                    (C) engages in conduct that contains the elements

1 of an offense under Section 22.01(a)(1), Penal Code, against a  
2 [~~school district employee or a~~] volunteer as defined by Section  
3 22.053; or

4 (D) engages in conduct that contains the elements  
5 of the offense of deadly conduct under Section 22.05, Penal Code;

6 (3) subject to Subsection (d), while within 300 feet  
7 of school property, as measured from any point on the school's real  
8 property boundary line:

9 (A) engages in conduct specified by Subsection  
10 (a); or

11 (B) possesses a firearm, as defined by 18 U.S.C.  
12 Section 921; or

13 (4) engages in conduct that contains the elements of  
14 any offense listed in Subsection (a)(2)(B) or (D) [~~(a)(2)(A) or~~  
15 ~~(C)~~] or the offense of aggravated robbery under Section 29.03,  
16 Penal Code, against another student, without regard to whether the  
17 conduct occurs on or off of school property or while attending a  
18 school-sponsored or school-related activity on or off of school  
19 property.

20 SECTION 3. This Act applies beginning with the 2007-2008  
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.