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H.B. No. 1020

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use, exhibition, or possession of a firearm by
3 public school students participating in certain school-sponsored
4 programs and activities sponsored or supported by the Parks and
5 Wildlife Department.

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

7 SECTION 1. Section 37.007, Education Code, is amended by
8 amending Subsection (a) and adding Subsections (k) and (l) to read
9 as follows:

10 (a) Except as provided by Subsection (k), a [A] student
11 shall be expelled from a school if the student, on school property
12 or while attending a school-sponsored or school-related activity on
13 or off of school property:

14 (1) uses, exhibits, or possesses:

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

17 (B) an illegal knife as defined by Section
18 46.01(6), Penal Code, or by local policy;

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

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

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

1 (A) aggravated assault under Section 22.02,
2 Penal Code, sexual assault under Section 22.011, Penal Code, or
3 aggravated sexual assault under Section 22.021, Penal Code;

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

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

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

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

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

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

17 (H) criminally negligent homicide under Section
18 19.05, Penal Code; or

19 (I) continuous sexual abuse of young child or
20 children under Section 21.02, Penal Code; or

21 (3) engages in conduct specified by Section
22 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

23 (k) A student may not be expelled solely on the basis of the
24 student's use, exhibition, or possession of a firearm that occurs:

25 (1) at an approved target range facility that is not
26 located on a school campus; and

27 (2) while participating in or preparing for a

1 school-sponsored shooting sports competition or a shooting sports
2 educational activity that is sponsored or supported by the Parks
3 and Wildlife Department or a shooting sports sanctioning
4 organization working with the department.

5 (1) Subsection (k) does not authorize a student to bring a
6 firearm on school property to participate in or prepare for a
7 school-sponsored shooting sports competition or a shooting sports
8 educational activity described by that subsection.

9 SECTION 2. This Act applies beginning with the 2009-2010
10 school year.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.