

By: Deshotel

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 Subsection (k) to read as
9 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 SECTION 2. This Act applies beginning with the 2009-2010
6 school year.

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