

1-1 By: Deshotel, et al. (Senate Sponsor - Hinojosa) H.B. No. 1020
1-2 (In the Senate - Received from the House May 5, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Education; May 15, 2009, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use, exhibition, or possession of a firearm by
1-9 public school students participating in certain school-sponsored
1-10 programs and activities sponsored or supported by the Parks and
1-11 Wildlife Department.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 37.007, Education Code, is amended by
1-14 amending Subsection (a) and adding Subsections (k) and (l) to read
1-15 as follows:

1-16 (a) Except as provided by Subsection (k), a [A] student
1-17 shall be expelled from a school if the student, on school property
1-18 or while attending a school-sponsored or school-related activity on
1-19 or off of school property:

1-20 (1) uses, exhibits, or possesses:

1-21 (A) a firearm as defined by Section 46.01(3),
1-22 Penal Code;

1-23 (B) an illegal knife as defined by Section
1-24 46.01(6), Penal Code, or by local policy;

1-25 (C) a club as defined by Section 46.01(1), Penal
1-26 Code; or

1-27 (D) a weapon listed as a prohibited weapon under
1-28 Section 46.05, Penal Code;

1-29 (2) engages in conduct that contains the elements of
1-30 the offense of:

1-31 (A) aggravated assault under Section 22.02,
1-32 Penal Code, sexual assault under Section 22.011, Penal Code, or
1-33 aggravated sexual assault under Section 22.021, Penal Code;

1-34 (B) arson under Section 28.02, Penal Code;

1-35 (C) murder under Section 19.02, Penal Code,
1-36 capital murder under Section 19.03, Penal Code, or criminal
1-37 attempt, under Section 15.01, Penal Code, to commit murder or
1-38 capital murder;

1-39 (D) indecency with a child under Section 21.11,
1-40 Penal Code;

1-41 (E) aggravated kidnapping under Section 20.04,
1-42 Penal Code;

1-43 (F) aggravated robbery under Section 29.03,
1-44 Penal Code;

1-45 (G) manslaughter under Section 19.04, Penal
1-46 Code;

1-47 (H) criminally negligent homicide under Section
1-48 19.05, Penal Code; or

1-49 (I) continuous sexual abuse of young child or
1-50 children under Section 21.02, Penal Code; or

1-51 (3) engages in conduct specified by Section
1-52 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

1-53 (k) A student may not be expelled solely on the basis of the
1-54 student's use, exhibition, or possession of a firearm that occurs:

1-55 (1) at an approved target range facility that is not
1-56 located on a school campus; and

1-57 (2) while participating in or preparing for a
1-58 school-sponsored shooting sports competition or a shooting sports
1-59 educational activity that is sponsored or supported by the Parks
1-60 and Wildlife Department or a shooting sports sanctioning
1-61 organization working with the department.

1-62 (l) Subsection (k) does not authorize a student to bring a
1-63 firearm on school property to participate in or prepare for a
1-64 school-sponsored shooting sports competition or a shooting sports

2-1 educational activity described by that subsection.

2-2 SECTION 2. This Act applies beginning with the 2009-2010
2-3 school year.

2-4 SECTION 3. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2009.

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