

By: Madden

H.B. No. 3908

A BILL TO BE ENTITLED

AN ACT

relating to certain offenses involving public and private schools.

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

SECTION 1. Section 37.107, Education Code, is amended to read as follows:

Sec. 37.107. TRESPASS ON SCHOOL GROUNDS. (a) An unauthorized person who trespasses on the grounds of any school district of this state commits an offense. An offense under this section is a Class C misdemeanor.

(b) Subsection (a) does not apply to a student who is on the grounds of the school campus the student attends.

SECTION 2. The heading to Section 37.123, Education Code, is amended to read as follows:

Sec. 37.123. OBSTRUCTIVE [~~DISRUPTIVE~~] ACTIVITIES.

SECTION 3. Section 37.123, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person commits an offense if the person, alone or in concert with others, intentionally engages in obstructive [~~disruptive~~] activity on the campus or property of any private or public school.

(b) For purposes of this section, obstructive [~~disruptive~~] activity is:

(1) obstructing or restraining the passage of persons

1 in an exit, entrance, or hallway of a building without the  
2 authorization of the administration of the school;

3 (2) seizing control of a building or portion of a  
4 building to interfere with an administrative, educational,  
5 research, or other authorized activity;

6 (3) preventing, disrupting, or attempting to prevent  
7 or disrupt by force or violence or the threat of force or violence a  
8 lawful assembly authorized by the school administration so that a  
9 person attempting to participate in the assembly is unable to  
10 participate due to the use of force or violence or due to a  
11 reasonable fear that force or violence is likely to occur; or

12 (4) [~~disrupting by force or violence or the threat of~~  
13 ~~force or violence a lawful assembly in progress; or~~

14 [~~5~~] obstructing or restraining the passage of a  
15 person at an exit or entrance to the campus or property or  
16 preventing or attempting to prevent by force or violence or by  
17 threats of force or violence the ingress or egress of a person to or  
18 from the property or campus without the authorization of the  
19 administration of the school.

20 (b-1) In this section, "obstruct" has the meaning assigned  
21 by Section 42.03, Penal Code.

22 SECTION 4. Section 37.124, Education Code, is amended by  
23 adding Subsection (a-1) to read as follows:

24 (a-1) Subsection (a) does not apply to a student who is on  
25 the school campus or within 500 feet of the school campus the  
26 student attends.

27 SECTION 5. Section 37.126, Education Code, is amended by

1 adding Subsection (a-1) to read as follows:

2 (a-1) Subsection (a) does not apply to a child who attends  
3 the school to or from which the children are being transported.

4 SECTION 6. Section 51.935(b), Education Code, is amended to  
5 read as follows:

6 (b) For purposes of this section, disruptive activity is:

7 (1) obstructing or restraining the passage of persons  
8 in an exit, entrance, or hallway of a building without the  
9 authorization of the administration of the institution of higher  
10 education;

11 (2) seizing control of a building or portion of a  
12 building to interfere with an administrative, educational,  
13 research, or other authorized activity;

14 (3) preventing or attempting to prevent by force or  
15 violence or the threat of force or violence a lawful assembly  
16 authorized by the administration of the institution of higher  
17 education so that a person attempting to participate in the  
18 assembly is unable to participate due to the use of force or  
19 violence or due to a reasonable fear that force or violence is  
20 likely to occur;

21 (4) disrupting by force or violence or the threat of  
22 force or violence a lawful assembly in progress; or

23 (5) obstructing or restraining the passage of a person  
24 at an exit or entrance to the campus or property or preventing or  
25 attempting to prevent by force or violence or by threats of force or  
26 violence the ingress or egress of a person to or from the property  
27 or campus without the authorization of the administration of the

1 institution of higher education [~~activity described by Section~~  
2 ~~37.123(b)~~].

3 SECTION 7. Section 37.123(d), Education Code, is repealed.

4 SECTION 8. The changes in law made by this Act apply only to  
5 an offense committed on or after the effective date of this Act. An  
6 offense committed before the effective date of this Act is governed  
7 by the law in effect at the time the offense was committed, and the  
8 former law is continued in effect for that purpose. For the  
9 purposes of this section, an offense was committed before the  
10 effective date of this Act if any element of the offense occurred  
11 before that date.

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