

## **BILL ANALYSIS**

C.S.H.B. 3758  
By: Giddings  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the ticketing of students in public schools has increased due to a more prominent police presence and that, while there are offenses that warrant a citation, children receiving citations for small disruptions and horseplay is excessive. C.S.H.B. 3758 seeks to remedy this situation as it relates to prosecution of persons younger than 13 years of age for offenses involving disorderly conduct, disruption of public school classes, or disruption of public school transportation.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3758 amends the Education Code to add as an exception to the application of the offense of intentionally disrupting the conduct of classes or other school activities that the actor was younger than 13 years of age at the time the actor engaged in such conduct. The bill makes clarifying changes with regard to the offense of disrupting, preventing, or interfering with the lawful transportation of children to or from school or a school-sponsored activity on a vehicle owned or operated by a county or independent school district. The bill adds as an exception to the application of the offense with regard to a disruption of transportation of children to or from school that the actor was younger than 13 years of age at the time the actor engaged in the prohibited conduct.

C.S.H.B. 3758 amends the Penal Code to add as an exception to the application of certain conduct constituting the offense of disorderly conduct that the actor was younger than 13 years of age at the time the actor engaged in the prohibited conduct and the prohibited conduct occurred at a public school campus during regular school hours.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3758 omits provisions included in the original prohibiting a peace officer from requiring a student who is younger than 12 years of age to sign a citation issued to the student on school property during regular school hours and setting out requirements relating to the issuance of citations to students.

C.S.H.B. 3758 contains a provision not included in the original adding as an exception to the application of the offense of intentionally disrupting the conduct of classes or other school activities that the actor was younger than 13 years of age at the time the actor engaged in such

conduct.

C.S.H.B. 3758 contains a provision not included in the original making clarifying changes with regard to the offense of disrupting, preventing, or interfering with the lawful transportation of children to or from school or a school-sponsored activity on a vehicle owned or operated by a county or independent school district. The substitute differs from the original by adding as an exception to the application of the offense with regard to a disruption of transportation of children to or from school that the actor was younger than 13 years of age at the time the actor engaged in the prohibited conduct, whereas the original makes all elements of the offense inapplicable to a student who is younger than 12 years of age.

C.S.H.B. 3758 contains a provision not included in the original adding as an exception to the application of certain conduct constituting the offense of disorderly conduct that the actor was younger than 13 years of age at the time the actor engaged in the prohibited conduct and the prohibited conduct occurred at a public school campus during regular school hours. The substitute differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions.