

## **BILL ANALYSIS**

S.B. 1116  
By: Whitmire  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1995, Texas declared zero tolerance for drugs and weapons on school campuses. Over the years this concept has expanded. Current law states that a Class C misdemeanor citation may be issued to students on public school campuses and vehicles for many different violations. Millions of citations have been issued to students for varying offenses. These offenses range from disruption of a classroom to assault. Research has shown that the majority of these citations are being issued for noncriminal behavior. Research also illustrates a disproportionate number of citations are issued to students with disabilities and minority students. Research has not shown a decrease in the misbehavior of students as a result of the ticketing practice.

S.B. 1116 amends current law relating to the enforcement and punishment of certain prohibited conduct that occurs on a public school campus or on a vehicle owned by a county or school district.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Article 45.058, Code of Criminal Procedure, by adding Subsections (i) and (j), as follows:

(i) Requires the officer, if a law enforcement officer issues a citation or files a complaint in the manner provided by Article 45.018 (Complaint), for conduct by a child 12 years of age or older that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district, to attach to the citation the offense report, a statement by a witness to the alleged conduct, and a statement by a victim of the alleged conduct, if any. Prohibits an attorney representing the state from proceeding in a trial of an offense unless the law enforcement officer complied with the requirements of this subsection.

(j) Prohibits a law enforcement officer, notwithstanding Subsection (g) (relating to authorizing a law enforcement agent to issue a field release citation) or (g-1) (relating to issuing a field release citation) from issuing a citation or file a complaint in the manner provided by Article 45.018 for conduct by a child younger than 12 years of age that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district.

SECTION 2. Amends Section 37.001(a), Education Code, as follows:

(a) Requires that the student code of conduct, in addition to establishing standards for student conduct, among other certain content, specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district; and provide, as appropriate for students at each grade level, methods, including options

for managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district. Makes nonsubstantive changes.

SECTION 3. Amends Sections 37.081(b) and (f), Education Code, as follows:

(b) Provides that a peace officer, in a peace officer's jurisdiction, commissioned under this section:

(1)-(2) Makes no changes to these subdivisions; and

(3) may, in accordance with Chapter 52 (Proceedings Before and Including Referral to Juvenile Court), Family Code, or Article 45.058, Code of Criminal Procedure, take a child, rather than a juvenile, into custody.

(f) Requires the chief of police of the school district police department to be accountable to the superintendent and to report to the superintendent, rather than report to the superintendent or the superintendent's designee.

SECTION 4. Amends Section 37.124(a), Education Code, to provide that a person other than a primary or secondary grade student commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

SECTION 5. Amends Section 37.126(a), Education Code, to provide that a person other than a primary or secondary grade student, except as provided by Section 37.125 (Exhibition of Firearms), commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children to or from school or an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

SECTION 6. Amends Section 42.01, Penal Code, by adding Subsection (a-1), to define the term "public place" for purposes of Subsection (a) (relating to disorderly conduct).

SECTION 7. Makes application of Article 45.058, Code of Criminal Procedure, Sections 37.124 and 37.126, Education Code, and Section 42.01, Penal Code, prospective.

**EFFECTIVE DATE**

September 1, 2011.