

BILL ANALYSIS

Senate Research Center
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S.B. 1116
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 the Education Code relating to the punishment of certain prohibited conduct that occurs on a public school campus or on a vehicle owned by a county or school district. S.B. 1116 repeals Section 37.124 (Disruption of Classes) Education Code, relating to the disruption of a classroom, and restricts disruption of transportation to nonstudents. S.B. 1116 also requires that all citations be referred to the juvenile court system.

As proposed, S.B. 1116 amends current law relating to the 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.

SECTION BY SECTION ANALYSIS

SECTION 1. 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 2. Amends Section 37.126(a), Education Code, as follows:

(a) Provides that, except as provided by Section 37.125 (Exhibition of Firearms), a person other than a primary or secondary grade student 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 3. Amends Section 51.08(b), Family Code, as follows:

(b) Provides that a court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense:

(1) except as provided by Subsection (d), shall waive its original jurisdiction and refer the child to juvenile court if the child has previously been convicted of two or more misdemeanors punishable by fine only other than a traffic offense; two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or one or more of each of the types of misdemeanors described by Subparagraph (i) or (ii), rather than Paragraph (A) or (B), or is alleged to have in conduct that violates Section 42.01 (Disorderly Conduct), Penal Code, while on a public school campus and during regular school hours; and

(2) Makes no changes to this subdivision.

SECTION 4. Repealer: Section 37.124 (Disruption of Classes), Education Code.

SECTION 5. Provides that the change in law made by this Act in amending Section 51.08(b), Family Code, applies only to conduct that violates Section 42.01, Penal Code, and that occurs on or after the effective date of this Act. Provides that conduct that violates Section 42.01, Penal Code, and that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose. Provides that for the purposes of this section, conduct violating Section 42.01, Penal Code, occurs before the effective date of this Act if any element of the violation occurred before that date.

SECTION 6. Provides that the change in law made by this Act in amending Section 37.126, Education Code, applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. Effective date: September 1, 2011.