

By: Giddings, Allen, Elkins, Shelton, et al.

H.B. No. 3758

Substitute the following for H.B. No. 3758:

By: Aycock

C.S.H.B. No. 3758

A BILL TO BE ENTITLED

AN ACT

relating 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.

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

SECTION 1. Section 37.124, Education Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a) that the actor was younger than 13 years of age at the time the actor engaged in conduct prohibited under that subsection.

SECTION 2. Section 37.126, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

(1) to or from school on a vehicle owned or operated by a county or independent school district; or

(2) to or from ~~or~~ an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(c) It is an exception to the application of Subsection (a)(1) that the actor was younger than 13 years of age at the time the actor engaged in conduct prohibited under that subdivision.

1 SECTION 3. Section 42.01, Penal Code, is amended by adding
2 Subsection (f) to read as follows:

3 (f) It is an exception to the application of Subsections
4 (a)(1) through (6) that the actor was younger than 13 years of age
5 at the time the actor engaged in conduct prohibited under those
6 subdivisions and the prohibited conduct occurred at a public school
7 campus during regular school hours.

8 SECTION 4. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 5. This Act takes effect September 1, 2011.