

By: Giddings

H.B. No. 3758

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance of citations to certain public school
3 students on school property during regular school hours or on a
4 vehicle owned or operated by a county or independent school
5 district.

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

7 SECTION 1. Subchapter C, Chapter 37, Education Code, is
8 amended by adding Section 37.086 to read as follows:

9 Sec. 37.086. ISSUANCE OF CITATIONS TO CERTAIN STUDENTS. (a)
10 A peace officer may not require a student who is younger than 12
11 years of age to sign a citation issued to the student on school
12 property during regular school hours.

13 (b) If the student's parent or guardian is unable to be
14 present when a citation is issued to a student under this section, a
15 school administrator or teacher shall sign the citation on behalf
16 of the student for the sole purpose of witnessing and acknowledging
17 the issuance of the citation. In signing the citation, the
18 administrator or teacher is not making a legal commitment or
19 otherwise assuming a responsibility of the student or the student's
20 parent or guardian in any subsequent court proceeding concerning
21 the citation.

22 (c) Not later than the second business day after the date a
23 citation is issued as provided by Subsection (b), a school official
24 must notify the student's parent or guardian by phone, by mail, or

1 in person of the issuance of the citation.

2 SECTION 2. Section 37.126(a), Education Code, is amended to
3 read as follows:

4 (a) Except as provided by Section 37.125, a person other
5 than a student who is younger than 12 years of age commits an
6 offense if the person intentionally disrupts, prevents, or
7 interferes with the lawful transportation of children to or from
8 school or an activity sponsored by a school on a vehicle owned or
9 operated by a county or independent school district.

10 SECTION 3. The change in law made by this Act applies only
11 to an offense committed on or after September 1, 2011. An offense
12 committed before September 1, 2011, is governed by the law in effect
13 when the offense was committed, and the former law is continued in
14 effect for that purpose. For purposes of this section, an offense
15 was committed before September 1, 2011, if any element of the
16 offense was committed before that date.

17 SECTION 4. This Act takes effect September 1, 2011.