

By: Huffman

S.B. No. 217

A BILL TO BE ENTITLED

1 AN ACT
2 relating to expulsion of a public school student who commits
3 certain criminal acts involving a computer, computer network, or
4 computer system owned by or operated on behalf of a school district.

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

6 SECTION 1. Section 37.007(b), Education Code, is amended to
7 read as follows:

8 (b) A student may be expelled if the student:

9 (1) engages in conduct involving a public school that
10 contains the elements of the offense of false alarm or report under
11 Section 42.06, Penal Code, or terroristic threat under Section
12 22.07, Penal Code;

13 (2) while on or within 300 feet of school property, as
14 measured from any point on the school's real property boundary
15 line, or while attending a school-sponsored or school-related
16 activity on or off of school property:

17 (A) sells, gives, or delivers to another person
18 or possesses, uses, or is under the influence of any amount of:

19 (i) marihuana or a controlled substance, as
20 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
21 Section 801 et seq.;

22 (ii) a dangerous drug, as defined by
23 Chapter 483, Health and Safety Code; or

24 (iii) an alcoholic beverage, as defined by

1 Section 1.04, Alcoholic Beverage Code;

2 (B) engages in conduct that contains the elements
3 of an offense relating to an abusable volatile chemical under
4 Sections 485.031 through 485.034, Health and Safety Code;

5 (C) engages in conduct that contains the elements
6 of an offense under Section 22.01(a)(1), Penal Code, against a
7 school district employee or a volunteer as defined by Section
8 22.053; or

9 (D) engages in conduct that contains the elements
10 of the offense of deadly conduct under Section 22.05, Penal Code;

11 (3) subject to Subsection (d), while within 300 feet
12 of school property, as measured from any point on the school's real
13 property boundary line:

14 (A) engages in conduct specified by Subsection
15 (a); or

16 (B) possesses a firearm, as defined by 18 U.S.C.
17 Section 921; ~~or~~

18 (4) engages in conduct that contains the elements of
19 any offense listed in Subsection (a)(2)(A) or (C) or the offense of
20 aggravated robbery under Section 29.03, Penal Code, against another
21 student, without regard to whether the conduct occurs on or off of
22 school property or while attending a school-sponsored or
23 school-related activity on or off of school property; or

24 (5) engages in conduct that contains the elements of
25 the offense of breach of computer security under Section 33.02,
26 Penal Code, if the conduct involves accessing a computer, computer
27 network, or computer system owned by or operated on behalf of a

1 school district.

2 SECTION 2. Section 37.007(b)(5), Education Code, as added
3 by this Act, applies only to a student who engages in conduct
4 described by Section 37.007(b)(5) on or after the effective date of
5 this Act.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2011.