

1-1 By: Huffman S.B. No. 217  
1-2 (In the Senate - Filed November 17, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Education;  
1-4 March 30, 2011, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; March 30, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to expulsion of a public school student who commits  
1-9 certain criminal acts involving a computer, computer network, or  
1-10 computer system owned by or operated on behalf of a school district.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (b), Section 37.007, Education Code,  
1-13 is amended to read as follows:

1-14 (b) A student may be expelled if the student:

1-15 (1) engages in conduct involving a public school that  
1-16 contains the elements of the offense of false alarm or report under  
1-17 Section 42.06, Penal Code, or terroristic threat under Section  
1-18 22.07, Penal Code;

1-19 (2) while on or within 300 feet of school property, as  
1-20 measured from any point on the school's real property boundary  
1-21 line, or while attending a school-sponsored or school-related  
1-22 activity on or off of school property:

1-23 (A) sells, gives, or delivers to another person  
1-24 or possesses, uses, or is under the influence of any amount of:

1-25 (i) marihuana or a controlled substance, as  
1-26 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.  
1-27 Section 801 et seq.;

1-28 (ii) a dangerous drug, as defined by  
1-29 Chapter 483, Health and Safety Code; or

1-30 (iii) an alcoholic beverage, as defined by  
1-31 Section 1.04, Alcoholic Beverage Code;

1-32 (B) engages in conduct that contains the elements  
1-33 of an offense relating to an abusable volatile chemical under  
1-34 Sections 485.031 through 485.034, Health and Safety Code;

1-35 (C) engages in conduct that contains the elements  
1-36 of an offense under Section 22.01(a)(1), Penal Code, against a  
1-37 school district employee or a volunteer as defined by Section  
1-38 22.053; or

1-39 (D) engages in conduct that contains the elements  
1-40 of the offense of deadly conduct under Section 22.05, Penal Code;

1-41 (3) subject to Subsection (d), while within 300 feet  
1-42 of school property, as measured from any point on the school's real  
1-43 property boundary line:

1-44 (A) engages in conduct specified by Subsection  
1-45 (a); or

1-46 (B) possesses a firearm, as defined by 18 U.S.C.  
1-47 Section 921; ~~or~~

1-48 (4) engages in conduct that contains the elements of  
1-49 any offense listed in Subsection (a)(2)(A) or (C) or the offense of  
1-50 aggravated robbery under Section 29.03, Penal Code, against another  
1-51 student, without regard to whether the conduct occurs on or off of  
1-52 school property or while attending a school-sponsored or  
1-53 school-related activity on or off of school property; or

1-54 (5) engages in conduct that contains the elements of  
1-55 the offense of breach of computer security under Section 33.02,  
1-56 Penal Code, if the conduct involves accessing a computer, computer  
1-57 network, or computer system owned by or operated on behalf of a  
1-58 school district.

1-59 SECTION 2. Subdivision (5), Subsection (b), Section 37.007,  
1-60 Education Code, as added by this Act, applies only to a student who  
1-61 engages in conduct described by Subdivision (5), Subsection (b),  
1-62 Section 37.007 on or after the effective date of this Act.

1-63 SECTION 3. This Act takes effect immediately if it receives  
1-64 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this  
2-2 Act does not receive the vote necessary for immediate effect, this  
2-3 Act takes effect September 1, 2011.

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