

By: Whitmire, Hinojosa

S.B. No. 1116

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the enforcement and punishment of certain prohibited
3 conduct that occurs on a public school campus or on a vehicle owned
4 by a county or school district.

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

6 SECTION 1. Article 45.058, Code of Criminal Procedure, is
7 amended by adding Subsections (i) and (j) to read as follows:

8 (i) If a law enforcement officer issues a citation or files
9 a complaint in the manner provided by Article 45.018 for conduct by
10 a child 12 years of age or older that is alleged to have occurred on
11 school property or on a vehicle owned or operated by a county or
12 independent school district, the officer shall submit to the court
13 the offense report, a statement by a witness to the alleged conduct,
14 and a statement by a victim of the alleged conduct, if any. An
15 attorney representing the state may not proceed in a trial of an
16 offense unless the law enforcement officer complied with the
17 requirements of this subsection.

18 (j) Notwithstanding Subsection (g) or (g-1), a law
19 enforcement officer may not issue a citation or file a complaint in
20 the manner provided by Article 45.018 for conduct by a child younger
21 than 12 years of age that is alleged to have occurred on school
22 property or on a vehicle owned or operated by a county or
23 independent school district.

24 SECTION 2. Subsection (a), Section 37.001, Education Code,

1 is amended to read as follows:

2 (a) The board of trustees of an independent school district
3 shall, with the advice of its district-level committee established
4 under Subchapter F, Chapter 11, adopt a student code of conduct for
5 the district. The student code of conduct must be posted and
6 prominently displayed at each school campus or made available for
7 review at the office of the campus principal. In addition to
8 establishing standards for student conduct, the student code of
9 conduct must:

10 (1) specify the circumstances, in accordance with this
11 subchapter, under which a student may be removed from a classroom,
12 campus, ~~or~~ disciplinary alternative education program, or
13 vehicle owned or operated by the district;

14 (2) specify conditions that authorize or require a
15 principal or other appropriate administrator to transfer a student
16 to a disciplinary alternative education program;

17 (3) outline conditions under which a student may be
18 suspended as provided by Section 37.005 or expelled as provided by
19 Section 37.007;

20 (4) specify that consideration will be given, as a
21 factor in each decision concerning suspension, removal to a
22 disciplinary alternative education program, expulsion, or
23 placement in a juvenile justice alternative education program,
24 regardless of whether the decision concerns a mandatory or
25 discretionary action, to:

26 (A) self-defense;

27 (B) intent or lack of intent at the time the

1 student engaged in the conduct;

2 (C) a student's disciplinary history; or

3 (D) a disability that substantially impairs the
4 student's capacity to appreciate the wrongfulness of the student's
5 conduct;

6 (5) provide guidelines for setting the length of a
7 term of:

8 (A) a removal under Section 37.006; and

9 (B) an expulsion under Section 37.007;

10 (6) address the notification of a student's parent or
11 guardian of a violation of the student code of conduct committed by
12 the student that results in suspension, removal to a disciplinary
13 alternative education program, or expulsion;

14 (7) prohibit bullying, harassment, and making hit
15 lists and ensure that district employees enforce those
16 prohibitions; and

17 (8) provide, as appropriate for students at each grade
18 level, methods, including options, for:

19 (A) managing students in the classroom, ~~and~~ on
20 school grounds, and on a vehicle owned or operated by the district;

21 (B) disciplining students; and

22 (C) preventing and intervening in student
23 discipline problems, including bullying, harassment, and making
24 hit lists.

25 SECTION 3. Subsections (b) and (f), Section 37.081,
26 Education Code, are amended to read as follows:

27 (b) In a peace officer's jurisdiction, a peace officer

1 commissioned under this section:

2 (1) has the powers, privileges, and immunities of
3 peace officers;

4 (2) may enforce all laws, including municipal
5 ordinances, county ordinances, and state laws; and

6 (3) may, in accordance with Chapter 52, Family Code,
7 or Article 45.058, Code of Criminal Procedure, take a child
8 [~~juvenile~~] into custody.

9 (f) The chief of police of the school district police
10 department shall be accountable to the superintendent and shall
11 report to the superintendent [~~or the superintendent's designee~~].
12 School district police officers shall be supervised by the chief of
13 police of the school district or the chief of police's designee and
14 shall be licensed by the Commission on Law Enforcement Officer
15 Standards and Education.

16 SECTION 4. Subsection (a), Section 37.124, Education Code,
17 is amended to read as follows:

18 (a) A person other than a primary or secondary grade student
19 commits an offense if the person, on school property or on public
20 property within 500 feet of school property, alone or in concert
21 with others, intentionally disrupts the conduct of classes or other
22 school activities.

23 SECTION 5. Subsection (a), Section 37.126, Education Code,
24 is amended to read as follows:

25 (a) Except as provided by Section 37.125, a person other
26 than a primary or secondary grade student commits an offense if the
27 person intentionally disrupts, prevents, or interferes with the

1 lawful transportation of children to or from school or an activity
2 sponsored by a school on a vehicle owned or operated by a county or
3 independent school district.

4 SECTION 6. Section 42.01, Penal Code, is amended by adding
5 Subsection (a-1) to read as follows:

6 (a-1) For purposes of Subsection (a), the term "public
7 place" includes a public school campus or school grounds on which a
8 public school is located.

9 SECTION 7. The changes in law made by this Act in amending
10 Article 45.058, Code of Criminal Procedure, Sections 37.124 and
11 37.126, Education Code, and Section 42.01, Penal Code, apply only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 8. This Act takes effect September 1, 2011.