

BILL ANALYSIS

C.S.H.B. 1284
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recently, there have been multiple instances of false bomb threats disrupting the normal course of business at Texas institutions of higher education. Interested parties argue that these bomb threats and similar false emergencies are disruptive, a waste of valuable resources, and potentially dangerous. The danger arising from false emergencies, the parties maintain, stems from the complacency that may occur when students and administrators respond to the false emergencies on a regular basis, making each new threat seem less urgent.

C.S.H.B. 1284 seeks to alleviate this public safety risk and reduce the costs associated with colleges and universities having to respond to a large number of false emergencies by enhancing the penalty for making a false report of an emergency involving an institution of higher education so that it is in line with the penalty for making a false alarm in similarly crowded places, such as public schools and places of public transportation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1284 amends the Penal Code to enhance the penalty for the offense of initiating, communicating, or circulating a false report of an emergency from a Class A misdemeanor to a state jail felony if the false report is of an emergency involving a public or private institution of higher education.

C.S.H.B. 1284 amends the Education Code to require each public, private, or independent institution of higher education to notify all incoming students, as soon as practicable, of the penalty for the offense of making a false alarm or report involving a public or private institution of higher education. The bill adds a temporary provision, set to expire August 1, 2014, specifying that a private or independent institution of higher education is not required to comply with that requirement if the institution determines that providing such notice is not feasible. The bill adds a temporary provision, set to expire December 31, 2013, to require each institution of higher education, not later than October 1, 2013, to notify all enrolled students of the penalty for the offense of making a false alarm or report involving a public or private institution of higher education.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1284 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 51, Education Code, is amended by adding Section 51.219 to read as follows:

Sec. 51.219. NOTIFICATION OF PENALTY FOR FALSE ALARM OR REPORT. (a) In this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) Each institution of higher education and private or independent institution of higher education shall notify all incoming students, as soon as practicable, of the penalty for the offense under Section 42.06, Penal Code, of making a false alarm or report involving a public or private institution of higher education.

(c) Notwithstanding Subsection (b), a private or independent institution of higher education is not required to comply with Subsection (b) if the institution determines that providing notice as required by that subsection is not feasible. This subsection expires August 1, 2014.

(d) Not later than October 1, 2013, each institution of higher education shall notify all enrolled students of the penalty for the offense under Section 42.06, Penal Code, of making a false alarm or report involving a public or private institution of higher education. This subsection expires December 31, 2013.

SECTION 1. Section 42.06(b), Penal Code, is amended.

SECTION 2. Same as introduced version.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.