

BILL ANALYSIS

S.B. 1114
By: Whitmire
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, Texas students may be issued a Class C misdemeanor citation for misbehavior, which may result in a fine of up to \$500, potential jail time if the citation goes unaddressed and progresses to the warrant stage, and a criminal record for the student. S.B. 1114 seeks to decrease the number of student referrals to criminal court and the number of youth exposed to the criminal justice system because of common misbehavior.

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

S.B. 1114 amends the Code of Criminal Procedure to require a law enforcement officer who issues a citation or files a complaint for conduct by a child 12 years of age or older that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district to submit to the court the offense report, a statement by a witness to the alleged conduct, and a statement by a victim of the alleged conduct, if any. The bill prohibits an attorney representing the state from proceeding in a trial of an offense unless the law enforcement officer complied with that submission requirement. The bill prohibits a law enforcement officer from issuing a citation or filing a complaint for conduct by a child younger than 12 years of age that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district.

S.B. 1114 amends the Education Code to require a court to dismiss a truancy-related complaint or referral made by a school district that does not comply with statutory referral and filing requirements. The bill requires a school district student code of conduct to specify the circumstances under which a student may be removed from a vehicle owned or operated by the district and to provide methods for managing students on such a vehicle appropriate for each grade level, removes the requirement that a school district peace officer perform administrative duties for the applicable district, and clarifies a peace officer's authority to take a child into custody for certain offenses of which a justice or municipal court has jurisdiction. The bill requires the chief of police of a school district police to report solely to the superintendent, rather than to the superintendent or the superintendent's designee.

S.B. 1114 prohibits the issuance of a warrant for the arrest of a person for a Class C misdemeanor under the Education Code committed when the person was younger than 17 years of age. The bill exempts a primary or secondary grade student enrolled in a school from the offenses of disruption of classes or other school activities and disruption of transportation.

S.B. 1114 amends the Family Code to authorize the referral of a child accused of a Class C misdemeanor other than a traffic offense to a first offender program prior to the filing of a complaint with a criminal court and to update first offender program provisions regarding the

referral of such a child for disposition under the program, notice provided to a parent, guardian, or custodian of such a referred child, and disposition of such a referred child's case.

S.B. 1114 amends the Penal Code to include a public school campus or the school grounds on which a public school is located in the definition of "public place," for purposes of the offense of disorderly conduct.

EFFECTIVE DATE

September 1, 2013.