

By: Burrows

H.B. No. 4108

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a school district peace officer commissioned by certain school districts located in certain counties to issue citations to a child for certain Class C misdemeanor offenses committed on school property.

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

SECTION 1. SECTION 1. Section 37.143, Education Code, is amended to read as follows:

Sec. 37.143. ISSUANCE OF CITATION [~~PROHIBITED~~]; CUSTODY OF CHILD. (a) Except as provided by Subsection (b), a [A] peace officer may not issue a citation to a child who is alleged to have committed a school offense.

(b) A peace officer commissioned under Section 37.081 may issue a citation to a child who is alleged to have committed a school offense if the offense is alleged to have occurred at a campus of a school district with an enrollment of at least 27,500 students that is located in a county with a population greater than 270,000 but less than 290,000.

(c) This subchapter does not prohibit a child from being taken into custody under Section 52.01, Family Code.

SECTION 2. Section 37.145, Education Code, is amended to read as follows:

Sec. 37.145. CITATION OR COMPLAINT. (a) If a child is alleged to have committed a school offense:

1 (1) a peace officer commissioned under Section 37.081
2 may issue a citation to the child for an offense punishable as a
3 Class C misdemeanor under Section 22.01(a)(2) or (3), 42.01, or
4 49.02, Penal Code, or under Section 481.125, Health and Safety
5 Code, if the offense is alleged to have occurred at a campus of a
6 school district with an enrollment of at least 27,500 students that
7 is located in a county with a population greater than 270,000 but
8 less than 290,000; or

9 (2) [~~If a child fails to comply with or complete~~
10 ~~graduated sanctions under Section 37.144, or if the school district~~
11 ~~has not elected to adopt a system of graduated sanctions under that~~
12 ~~section,~~] the school may file a complaint against the child with a
13 criminal court in accordance with Section 37.146, if the child
14 fails to comply with or complete graduated sanctions under Section
15 37.144 or if the school district has not elected to adopt a system
16 of graduated sanctions under that section.

17 SECTION 3. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 4. This Act takes effect September 1, 2015.