

BILL ANALYSIS

H.B. 2880
By: Dutton
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to interested parties, school resource officers have indicated the need for a criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus that recognizes the severity of the threat but also does not bring the lifelong consequences of a felony charge against a student. H.B. 2880 seeks to address that need by decreasing the penalty for such an offense from a third degree felony to a Class A misdemeanor, unless the actor was in possession of or had immediate access to a firearm.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2880 amends the Education Code to decrease from a third degree felony to a Class A misdemeanor the penalty for certain conduct constituting exhibition of a firearm involving intentionally threatening to exhibit or use a firearm in or on a property that is owned by a private or public school or on a school bus being used to transport children to or from private or public school-sponsored activities in a manner intended to cause alarm or personal injury to another person or to damage school property. The bill makes that conduct a third degree felony offense if the actor was in possession of or had immediate access to a firearm.

EFFECTIVE DATE

September 1, 2017.