

By: Burns

H.B. No. 2872

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority to issue an arrest warrant or citation for
3 certain Class C misdemeanors committed by certain children on
4 school property.

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

6 SECTION 1. Section 37.085, Education Code, is amended to
7 read as follows:

8 Sec. 37.085. ARRESTS [~~PROHIBITED~~] FOR CERTAIN CLASS C
9 MISDEMEANORS. (a) Except as provided by Subsection (b) and
10 notwithstanding [~~Notwithstanding~~] any other provision of law, a
11 warrant may not be issued for the arrest of a person for a Class C
12 misdemeanor under this code committed when the person was younger
13 than 17 years of age.

14 (b) A warrant may be issued for the arrest of a person for a
15 Class C misdemeanor under this code committed while the person was
16 in a disciplinary alternative education program.

17 SECTION 2. The heading to Section 37.143, Education Code,
18 is amended to read as follows:

19 Sec. 37.143. ISSUANCE OF CITATION [~~PROHIBITED~~]; CUSTODY OF
20 CHILD.

21 SECTION 3. Section 37.143(a), Education Code, is amended to
22 read as follows:

23 (a) A peace officer, law enforcement officer, or school
24 resource officer may not issue a citation to a child who is alleged

1 to have committed a school offense unless the child is alleged to
2 have committed the offense while the child was in a disciplinary
3 alternative education program.

4 SECTION 4. Section 37.145, Education Code, is amended to
5 read as follows:

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

8 (1) a peace officer, law enforcement officer, or
9 school resource officer may issue a citation to the child, if the
10 issuance of a citation is authorized under Section 37.143; or

11 (2) [~~If a child fails to comply with or complete~~
12 ~~graduated sanctions under Section 37.144, or if the school district~~
13 ~~has not elected to adopt a system of graduated sanctions under that~~
14 ~~section,~~] the school may file a complaint against the child with a
15 criminal court in accordance with Section 37.146, if the child
16 fails to comply with or complete graduated sanctions under Section
17 37.144 or if the school district has not elected to adopt a system
18 of graduated sanctions under that section.

19 SECTION 5. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 6. This Act takes effect September 1, 2017.