

By: Bohac

H.B. No. 1392

A BILL TO BE ENTITLED

AN ACT

relating to the mandatory removal of a public school student from the classroom following certain conduct.

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

SECTION 1. Section 37.006(a), Education Code, is amended to read as follows:

(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, or engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), (2), or (3), Penal Code, against an employee of the school district;

(C) sells, gives, or delivers to another person

1 or possesses or uses or is under the influence of:

2 (i) marihuana or a controlled substance, as
3 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
4 Section 801 et seq.; or

5 (ii) a dangerous drug, as defined by
6 Chapter 483, Health and Safety Code;

7 (D) sells, gives, or delivers to another person
8 an alcoholic beverage, as defined by Section 1.04, Alcoholic
9 Beverage Code, commits a serious act or offense while under the
10 influence of alcohol, or possesses, uses, or is under the influence
11 of an alcoholic beverage;

12 (E) engages in conduct that contains the elements
13 of an offense relating to an abusable volatile chemical under
14 Sections 485.031 through 485.034, Health and Safety Code; or

15 (F) engages in conduct that contains the elements
16 of the offense of public lewdness under Section 21.07, Penal Code,
17 or indecent exposure under Section 21.08, Penal Code.

18 SECTION 2. This Act applies beginning with the 2019-2020
19 school year.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2019.