

By: Wu

H.B. No. 4107

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to establishing a restorative justice program for certain  
3 student conduct constituting a criminal offense that occurs on  
4 school property, on school transportation, or at school-sponsored  
5 or school-related activities.

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

7 SECTION 1. Subchapter C, Chapter 37, Education Code, is  
8 amended by adding Section 37.086 to read as follows:

9 Sec. 37.086. RESTORATIVE JUSTICE PROGRAM. (a) In this  
10 section, "student" means a child who is at least 10 years of age and  
11 younger than 17 years of age and who is enrolled in a public school.

12 (b) This section applies only to a student who engages in  
13 conduct that constitutes an offense:

14 (1) other than:

15 (A) a felony;

16 (B) an offense under Section 22.07, 42.06, or  
17 46.08, Penal Code; or

18 (C) an offense that involved the possession,  
19 exhibition, or use of a firearm, location-restricted knife, or  
20 club, as defined by Section 46.01, Penal Code, a deadly weapon, as  
21 defined by Section 1.07, Penal Code, or a prohibited weapon, as  
22 described by Section 46.05, Penal Code; and

23 (2) that occurs:

24 (A) on school property;

1           (B) while attending a school-sponsored or  
2 school-related activity; or

3           (C) on a publicly or privately owned school bus  
4 or vehicle being used for transportation of students to or from  
5 school or a school-sponsored or school-related activity on or off  
6 of school property.

7           (c) Each school district or open-enrollment charter school  
8 shall develop and implement a restorative justice program for  
9 students who engage in conduct described by Subsection (b) that:

10           (1) educates the students regarding the harm caused to  
11 the victims; and

12           (2) emphasizes the importance of an offending  
13 student's reparation of harm caused to the victim.

14           (d) Notwithstanding any other law, except as provided by  
15 Subsection (e)(1) or Subchapter E-1, before referring a student to  
16 a juvenile or criminal court for conduct described by Subsection  
17 (b), a school district or open-enrollment charter school shall  
18 refer the student to the school district's or school's restorative  
19 justice program.

20           (e) A school district or open-enrollment charter school may  
21 refer a student to juvenile or criminal court for conduct described  
22 by Subsection (b) only if:

23           (1) the school district or school determines that the  
24 restorative justice program is not appropriate for the student's  
25 conduct; or

26           (2) the student has previously failed to comply with  
27 or complete the restorative justice program.

1           SECTION 2. The changes in law made by this Act apply only to  
2 conduct that occurs on or after the effective date of this Act.  
3 Conduct that occurs before the effective date of this Act is  
4 governed by the law in effect on the date the conduct occurred, and  
5 the former law is continued in effect for that purpose. For the  
6 purposes of this section, conduct occurred before the effective  
7 date of this Act if any element of the conduct occurred before that  
8 date.

9           SECTION 3. This Act takes effect September 1, 2019.