

By: Miles

S.B. No. 392

A BILL TO BE ENTITLED

AN ACT

1
2 relating to discretionary disciplinary action by public school
3 districts regarding nonviolent offenses and the adjudication of a
4 child who engages in conduct that constitutes a nonviolent offense
5 on school property.

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

7 SECTION 1. Subchapter E-1, Chapter 37, Education Code, is
8 amended by adding Section 37.1441 to read as follows:

9 Sec. 37.1441. GRADUATED SANCTIONS FOR CERTAIN OFFENSES.

10 (a) A school district that has developed a system of graduated
11 sanctions under Section 37.144 must make a good faith effort to
12 impose graduated sanctions on a child before a complaint is filed
13 against the child for a nonviolent offense.

14 (b) In this section, "nonviolent offense" means a property
15 offense, drug offense, or offense against public order and decency
16 that:

17 (1) does not involve a threat of harm against or an
18 attack of a victim; and

19 (2) is subject to discretionary disciplinary action by
20 the school district.

21 SECTION 2. Section 51.03(b), Family Code, is amended to
22 read as follows:

23 (b) Conduct indicating a need for supervision is:

24 (1) subject to Subsection (f), conduct, other than a

1 traffic offense, that violates:

2 (A) the penal laws of this state of the grade of
3 misdemeanor that are punishable by fine only; or

4 (B) the penal ordinances of any political
5 subdivision of this state;

6 (2) the voluntary absence of a child from the child's
7 home without the consent of the child's parent or guardian for a
8 substantial length of time or without intent to return;

9 (3) conduct prohibited by city ordinance or by state
10 law involving the inhalation of the fumes or vapors of paint and
11 other protective coatings or glue and other adhesives and the
12 volatile chemicals itemized in Section 485.001, Health and Safety
13 Code;

14 (4) an act that violates a school district's
15 previously communicated written standards of student conduct for
16 which the child has been expelled under Section 37.007(c),
17 Education Code;

18 (5) notwithstanding Subsection (a)(1), conduct
19 described by Section 43.02(a) or (b), Penal Code; ~~or~~

20 (6) notwithstanding Subsection (a)(1), conduct that
21 violates Section 43.261, Penal Code; or

22 (7) notwithstanding Subsection (a)(1), a nonviolent
23 offense committed on property under the control and jurisdiction of
24 a school district that would subject the child to discretionary
25 disciplinary action by the school district under Section 37.1441,
26 Education Code.

27 SECTION 3. Section 51.03, Family Code, is amended by adding

1 Subsection (d) to read as follows:

2 (d) For purposes of Subsection (b)(7), "nonviolent offense"
3 means a property offense, drug offense, or offense against public
4 order and decency that does not involve a threat of harm against or
5 an attack of a victim.

6 SECTION 4. The changes in law made by this Act apply only to
7 an offense committed or conduct that occurs on or after the
8 effective date of this Act. An offense committed or conduct that
9 occurs before the effective date of this Act is governed by the law
10 in effect when the offense was committed or the conduct occurred,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense is committed or conduct occurs
13 before the effective date of this Act if any element of the offense
14 or the conduct occurs before the effective date.

15 SECTION 5. This Act takes effect September 1, 2019.