

By: Harless

H.B. No. 759

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation of threat assessment teams in public
3 schools and the establishment of a student threat assessment
4 database; creating a criminal offense.

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

6 SECTION 1. Section 37.115, Education Code, is amended by
7 adding Subsections (f-1) and (h-1) to read as follows:

8 (f-1) A team must complete a threat assessment of an
9 individual as required by Subsection (f) not later than the 30th day
10 after the date on which the team began the assessment.

11 (h-1) Not later than the 10th day after the date on which a
12 team makes a determination that a student poses a serious risk of
13 violence to self or others, the team shall:

14 (1) enter the student's threat assessment into the
15 threat assessment database established under Section 37.1151; and

16 (2) make a notation in the student's cumulative record
17 that the student is included in the threat assessment database.

18 SECTION 2. Subchapter D, Chapter 37, Education Code, is
19 amended by adding Section 37.1151 to read as follows:

20 Sec. 37.1151. STUDENT THREAT ASSESSMENT DATABASE. (a) The
21 agency shall establish a database of student threat assessments
22 conducted under Section 37.115 in which there was a determination
23 that a student poses a serious risk of violence to self or others.

24 (b) The agency must allow access to the database reporting a

1 student's threat assessment to:

2 (1) a peace officer or school resource officer
3 assigned to a public or private primary or secondary school or
4 open-enrollment charter school that the student has attended or
5 currently attends; and

6 (2) the principal or principal's designee and the
7 superintendent or superintendent's designee at each public or
8 private primary or secondary school or open-enrollment charter
9 school that the student has attended or currently attends.

10 (c) A person authorized to access the threat assessment
11 database under Subsection (b) may access information in the
12 database solely for the purpose of ensuring school safety and
13 security. A person shall keep any information received from the
14 database confidential and may not use the information for a purpose
15 that does not directly relate to the purpose for which it was
16 obtained.

17 (d) Information regarding a student's threat assessment
18 reported in the threat assessment database must be permanently
19 erased from the database on the date that the student reaches 21
20 years of age.

21 (e) A person who has access to or obtains confidential
22 information in the threat assessment database commits an offense if
23 the person knowingly:

24 (1) uses the information for a purpose other than
25 ensuring school safety and security;

26 (2) permits inspection of the confidential
27 information by a person who is not authorized to inspect the

1 information; or

2 (3) releases or discloses the confidential
3 information to a person who is not entitled to the information.

4 (f) An offense under this section is a Class B misdemeanor.

5 (g) The commissioner shall adopt rules necessary to
6 implement this section.

7 SECTION 3. (a) Section 37.115(h-1), Education Code, as
8 added by this Act, applies beginning January 1, 2022.

9 (b) As soon as practicable after the effective date of this
10 Act but not later than January 1, 2022, the commissioner of
11 education shall establish the threat assessment database as
12 required by Section 37.1151, Education Code, as added by this Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2021.