

## **BILL ANALYSIS**

C.S.S.B. 133  
By: West  
Youth Health & Safety, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There have been tragic instances of children experiencing emotional or behavioral disturbances who have been restrained by school resource officers or other law enforcement while at school. This can be extremely traumatic for children, as well as for the law enforcement called to respond. There are other means of de-escalation that could be utilized to address these behavioral incidents. Restraining a child, or using a Taser or chemical irritant spray, would only exacerbate the situation and inflict trauma. Prohibiting these actions is a much-needed reform that could help put a stop to the school-to-prison pipeline. C.S.S.B. 133 seeks to address this issue by providing for prohibitions against the use of certain restraint and devices on certain public school students.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 2 and 3 of this bill.

### **ANALYSIS**

C.S.S.B. 133 amends the Education Code to prohibit a peace officer performing law enforcement duties or school security personnel performing security-related duties on the property of a public school or at a school-sponsored or school-related activity from restraining or using a chemical irritant spray or Taser on a student enrolled in the fifth grade or below unless the student poses a serious risk of harm to the student or another person. The bill requires the procedures adopted by the commissioner of education for the use of restraint and time-out on a student with a disability receiving special education services to prohibit a district employee or volunteer or an independent contractor of a district from using any variation of a restraint or other technique that results in full body immobilization of the student in a prone or supine position on the floor or ground. The bill defines "Taser" as a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream and includes a similar device manufactured, sold, or distributed by another person.

C.S.S.B. 133 requires the commissioner, in consultation with the continuing advisory committee for special education, to adopt rules as necessary to implement the bill's provisions, including rules to provide required definitions of terms. The bill applies beginning with the 2023-2024 school year.

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

## **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 133 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a requirement for the procedures adopted by the commissioner for the use of restraint and time-out on a student with a disability receiving special education services to prohibit the use of any variation of a restraint or other technique that results in full body immobilization of the student in a prone or supine position on the floor or ground, which was not present in the engrossed.

The substitute includes the following provisions, which did not appear in the engrossed:

- a requirement for the commissioner, in consultation with the continuing advisory committee for special education, to adopt rules to implement the bill's provisions; and
- a provision that makes the bill's provisions applicable beginning with the 2023-2024 school year.