

By: Creighton

S.B. No. 2623

A BILL TO BE ENTITLED

AN ACT

relating to establishment and enforcement of school safety zones;
providing a civil penalty.

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

SECTION 1. Subtitle C, Title 11, Local Government Code, is
amended by adding Chapter 370A to read as follows:

CHAPTER 370A. ENFORCEMENT OF SCHOOL SAFETY ZONES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 370A.001. DEFINITIONS. In this chapter:

(1) "Homeless services" mean services intended
primarily to benefit individuals experiencing homelessness. The
term includes services for shelter, medical care, meals, drug
rehabilitation, job training, financial assistance, and mental
health treatment.

(2) "Institution of higher education," "playground,"
"premises," and "school" have the meanings assigned by Section
[481.134](#), Health and Safety Code.

(3) "Provider organization" means a nongovernmental
entity providing homeless services.

(4) "School safety zone" means the premises of an
institution of higher education, playground, or school.

(5) "Task force" means the school safety zones task
force established under Section 370A.051.

1 SUBCHAPTER B. SCHOOL SAFETY ZONES TASK FORCE

2 Sec. 370A.051. TASK FORCE. The school safety zones task
3 force is established and is composed of four members appointed by
4 the governor as follows:

5 (1) one member that represents the Department of
6 Public Safety;

7 (2) one member that represents the attorney general;

8 (3) one member that represents the Texas Education
9 Agency; and

10 (4) one member that represents the Texas Department of
11 Licensing and Regulation.

12 Sec. 370A.052. DUTIES. The task force shall:

13 (1) identify each facility in this state providing
14 homeless services within 1.5 miles of a school safety zone; and

15 (2) for each facility identified under this section,
16 notify:

17 (A) the municipality in which the facility is
18 located; or

19 (B) if the facility is located in the
20 unincorporated area of a county, the county in which the facility is
21 located.

22 Sec. 370A.053. REPORT. Not later than January 1 of each
23 odd-numbered year, the task force shall provide a written report
24 and recommendations relating to the provision of homeless services
25 near school safety zones to the governor, lieutenant governor, and
26 speaker of the house of representatives.

27 Sec. 370A.054. RECOMMENDATIONS ON LICENSING OF HOMELESS

1 SERVICES FACILITIES. The task force shall, in consultation with
2 the Texas Department of Licensing and Regulation, develop
3 recommendations on legislation to require a facility providing
4 homeless services to obtain a license from the Texas Department of
5 Licensing and Regulation to operate. Any recommendations developed
6 under this section must be included in the task force's initial
7 report under Section 370A.053. This subsection expires January 1,
8 2028.

9 SUBCHAPTER C. HOMELESS SERVICES PROHIBITED NEAR SCHOOL SAFETY
10 ZONES

11 Sec. 370A.101. APPLICABILITY OF SUBCHAPTER. This
12 subchapter does not apply to homeless services provided at a
13 location operating as an emergency shelter during a state of
14 disaster declared under Section 418.014, Government Code, or a
15 local state of disaster declared under Section 418.108, Government
16 Code.

17 Sec. 370A.102. PROHIBITION. (a) A municipality, county,
18 or provider organization may not provide homeless services within
19 1.5 miles of a school safety zone.

20 (b) A municipality or county that receives notice under
21 Section 370A.052 of a facility operating within 1.5 miles of a
22 school safety zone shall, not later than the seventh day after the
23 date the municipality or county receives the notice:

24 (1) if the facility is operated by the municipality or
25 county, stop providing homeless services at the facility; or

26 (2) if the facility is operated by a provider
27 organization, direct the police or sheriff's department, as

applicable, to order the provider organization to stop providing homeless services at the facility.

Sec. 370A.103. ENFORCEMENT: VIOLATION BY PROVIDER ORGANIZATION. (a) A provider organization that the task force determines has violated Section 370A.102(a) and that does not stop providing homeless services as ordered under Section 370A.102(b) is liable to this state for a civil penalty in an amount not to exceed \$50,000 for each day after the date the organization receives an order under Section 370A.102(b).

(b) The attorney general may bring an action to:

(1) recover a civil penalty under this section; and

(2) direct the secretary of state to revoke or terminate the organization's registration or certificate of formation.

Sec. 370A.104. ENFORCEMENT: VIOLATION BY MUNICIPALITY OR COUNTY. (a) In this section:

(1) "No-new-revenue tax rate" means the no-new-revenue tax rate calculated under Chapter 26, Tax Code.

(2) "Tax year" has the meaning assigned by Section 1.04, Tax Code.

(b) Notwithstanding any other law, if the attorney general determines that a municipality or county has violated Section 370A.102(a) and has not stopped or ordered a provider organization to stop providing homeless services within the period required by Section 370A.102(b):

(1) the municipality or county may not adopt an ad valorem tax rate that exceeds the municipality's or county's

no-new-revenue tax rate for the tax year that begins on or after the date of the determination; and

(2) the attorney general shall submit written notice to the comptroller instructing the comptroller to withhold any money due to the municipality or county under Section 321.502 or 323.502, Tax Code, as applicable, until the attorney general notifies the comptroller that the municipality or county has resolved the violation.

(c) The attorney general must provide to the municipality or county a copy of the notice submitted to the comptroller under Subsection (b)(2).

(d) On the date the attorney general determines the violation has been resolved, the attorney general shall provide written notice of the resolution to the comptroller and the task force.

(e) The comptroller may not distribute any money to the municipality or county under Section 321.502 or 323.502, Tax Code, as applicable, during the period beginning on the date the comptroller receives the notice under Subsection (b)(2) and ending on the date the comptroller receives the notice described by Subsection (d).

SECTION 2. Section 321.502, Tax Code, is amended to read as follows:

Sec. 321.502. DISTRIBUTION OF TRUST FUNDS. Subject to Section 370A.104, Local Government Code, at [At] least twice during each state fiscal year and at other times as often as feasible, the comptroller shall send to the municipal treasurer or to the person

1 who performs the office of the municipal treasurer payable to the
2 municipality the municipality's share of the taxes collected by the
3 comptroller under this chapter.

4 SECTION 3. Section 323.502, Tax Code, is amended to read as
5 follows:

6 Sec. 323.502. DISTRIBUTION OF TRUST FUNDS. Subject to
7 Section 370A.104, Local Government Code, at ~~At~~ least twice during
8 each state fiscal year and at other times as often as feasible, the
9 comptroller shall send to the county treasurer payable to the
10 county the county's share of the taxes collected by the comptroller
11 under this chapter.

12 SECTION 4. As soon as practicable after the effective date
13 of this Act, the governor shall appoint members to the school safety
14 zones task force established by Section 370A.051, Local Government
15 Code, as added by this Act.

16 SECTION 5. This Act takes effect September 1, 2025.