

By: Kacal

H.B. No. 2629

A BILL TO BE ENTITLED

AN ACT

relating to unauthorized persons at public or private institutions of higher education in this state and to trespass, damage, or defacement occurring on the grounds of those institutions; amending provisions subject to a criminal penalty and creating offenses.

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

SECTION 1. The heading to Section 51.202, Education Code, is amended to read as follows:

Sec. 51.202. RULES AND REGULATIONS[~~, PENALTY~~].

SECTION 2. Section 51.204, Education Code, is amended to read as follows:

Sec. 51.204. TRESPASS, DAMAGE, DEFACEMENT [~~ETC~~]. (a) In this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) It is unlawful for any person to:

(1) trespass on the grounds of an [any state] institution of higher education or of a private or independent institution of higher education; [of this state] or

(2) damage or deface [to damage or deface] any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of an institution [any state institutions] of higher education or of a private or independent institution of higher education.

SECTION 3. Section 51.208, Education Code, is amended to read as follows:

Sec. 51.208. PENALTY; COURTS HAVING JURISDICTION. (a) In this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under this subchapter commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not more than \$200.

(c) The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of an ~~[a-state]~~ institution of higher education or of a private or independent institution of higher education is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of \$200.

SECTION 4. Section 51.209, Education Code, is amended to read as follows:

Sec. 51.209. UNAUTHORIZED PERSONS; REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. (a) In this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) The governing board of an ~~[a-state]~~ institution of higher education or a private or independent institution of higher education or the governing board's ~~[its]~~ authorized

1 representatives may refuse to allow persons having no legitimate
2 business to enter on property under the board's control, and may
3 eject any undesirable person from the property on the person's
4 ~~his~~ refusal to leave peaceably on request. Identification may be
5 required of any person on the property, and the person must provide
6 that identification on request.

7 SECTION 5. Section [51.202](#)(b), Education Code, is repealed.

8 SECTION 6. This Act takes effect September 1, 2015.