

By: Miles

S.B. No. 1258

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 37.1441. GRADUATED SANCTIONS FOR CERTAIN OFFENSES.

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

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

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

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

SECTION 2. Section 51.03(b), Family Code, as amended by Chapters 935 (H.B. 2398), 944 (S.B. 206), and 1273 (S.B. 825), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

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

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

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

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

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

(5) ~~[(6)]~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a) or (b), Penal Code; ~~[or]~~

(6) ~~[(7)]~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code; or

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

1 Education Code.

2 SECTION 3. Section 51.03, Family Code, is amended by adding
3 Subsection (d) to read as follows:

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

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

17 SECTION 5. To the extent of any conflict, this Act prevails
18 over another Act of the 85th Legislature, Regular Session, 2017,
19 relating to nonsubstantive additions to and corrections in enacted
20 codes.

21 SECTION 6. This Act takes effect September 1, 2017.