<u>CHAPTER 443</u> H.B. No. 567

1 AN ACT

- 2 relating to the expulsion of a public school student who commits
- 3 certain criminal acts against another student.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. Section 37.007(b), Education Code, is amended to
- 6 read as follows:
- 7 (b) A student may be expelled if the student:
- 8 (1) engages in conduct involving a public school that
- 9 contains the elements of the offense of false alarm or report under
- 10 Section 42.06, Penal Code, or terroristic threat under Section
- 11 22.07, Penal Code; [ox]
- 12 (2) while on school property or while attending a
- 13 school-sponsored or school-related activity on or off of school
- 14 property:
- 15 (A) sells, gives, or delivers to another person
- or possesses, uses, or is under the influence of any amount of:
- 17 (i) marihuana or a controlled substance, as
- 18 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
- 19 Section 801 et seq.;
- 20 (ii) a dangerous drug, as defined by
- 21 Chapter 483, Health and Safety Code; or
- 22 (iii) an alcoholic beverage, as defined by
- 23 Section 1.04, Alcoholic Beverage Code;
- (B) engages in conduct that contains the elements

- 1 of an offense relating to abusable glue or aerosol paint under
- 2 Sections 485.031 through 485.035, Health and Safety Code, or
- 3 relating to volatile chemicals under Chapter 484, Health and Safety
- 4 Code; or
- 5 (C) engages in conduct that contains the elements
- 6 of an offense under Section 22.01(a)(1), Penal Code, against a
- 7 school district employee or a volunteer as defined by Section
- 8 22.053; or
- 9 (3) engages in conduct that contains the elements of
- any offense listed in Subsection (a)(2)(A) or (C) or the offense of
- 11 aggravated robbery under Section 29.03, Penal Code, against another
- 12 student, without regard to whether the conduct occurs on or off of
- 13 school property or while attending a school-sponsored or
- school-related activity on or off of school property.
- 15 SECTION 2. Section 37.007(b), Education Code, as amended by
- 16 this Act, applies only to the expulsion of a student who engages in
- 17 conduct described by that section on or after the effective date of
- 18 this Act.
- 19 SECTION 3. This Act takes effect immediately if it receives
- 20 a vote of two-thirds of all the members elected to each house, as
- 21 provided by Section 39, Article III, Texas Constitution. If this
- 22 Act does not receive the vote necessary for immediate effect, this
- 23 Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 567 was passed by the House on April 25, 2003, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 567 on May 28, 2003, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 567 was passed by the Senate, with amendments, on May 26, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: **2070/63**

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

10:30 pm 0'CLOCK

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