

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

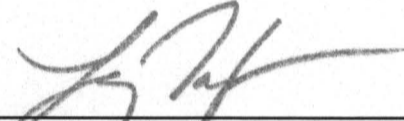
5/24/2019
Date

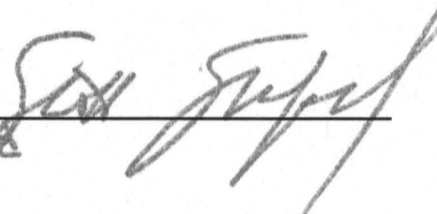
Honorable Dan Patrick
President of the Senate

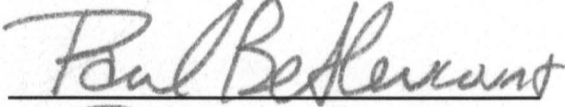
Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

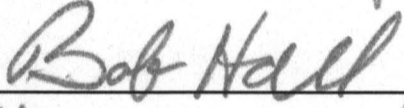
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 2432 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


TAYLOR

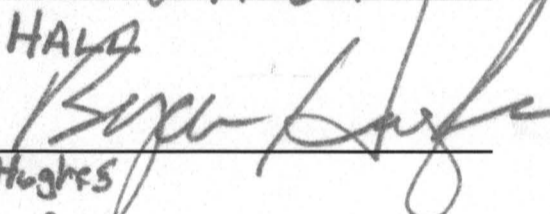

Sanford

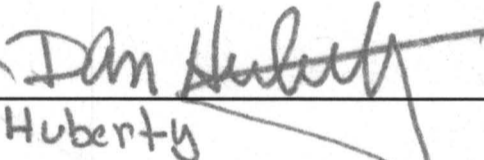

BETTENCOURT

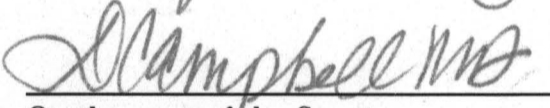
Bell


HALL


Harris


Hughes


Huberty


On the part of the Senate
Campbell

On the part of the House
Talarico

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 2432

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the removal of a public school student from the
3 classroom following certain conduct.

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

5 SECTION 1. Section 37.006(a), Education Code, is amended to
6 read as follows:

7 (a) A student shall be removed from class and placed in a
8 disciplinary alternative education program as provided by Section
9 37.008 if the student:

10 (1) engages in conduct involving a public school that
11 contains the elements of the offense of false alarm or report under
12 Section 42.06, Penal Code, or terroristic threat under Section
13 22.07, Penal Code; or

14 (2) commits the following on or within 300 feet of
15 school property, as measured from any point on the school's real
16 property boundary line, or while attending a school-sponsored or
17 school-related activity on or off of school property:

18 (A) engages in conduct punishable as a felony;

19 (B) engages in conduct that contains the elements
20 of the offense of assault under Section 22.01(a)(1), Penal Code;

21 (C) sells, gives, or delivers to another person
22 or possesses or uses or is under the influence of:

23 (i) marihuana or a controlled substance, as
24 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.

1 Section 801 et seq.; or

2 (ii) a dangerous drug, as defined by
3 Chapter 483, Health and Safety Code;

4 (D) sells, gives, or delivers to another person
5 an alcoholic beverage, as defined by Section 1.04, Alcoholic
6 Beverage Code, commits a serious act or offense while under the
7 influence of alcohol, or possesses, uses, or is under the influence
8 of an alcoholic beverage;

9 (E) engages in conduct that contains the elements
10 of an offense relating to an abusable volatile chemical under
11 Sections 485.031 through 485.034, Health and Safety Code; ~~or~~

12 (F) engages in conduct that contains the elements
13 of the offense of public lewdness under Section 21.07, Penal Code,
14 or indecent exposure under Section 21.08, Penal Code; or

15 (G) engages in conduct that contains the elements
16 of the offense of harassment under Section 42.07(a)(1), (2), (3),
17 or (7), Penal Code, against an employee of the school district.

18 SECTION 2. This Act applies beginning with the 2019-2020
19 school year.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2019.

Senate Bill 2432
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 37.006(a), Education Code, is amended to read as follows:

(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code;

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(D) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under

HOUSE VERSION (IE)

SECTION 1. Section 37.006(a), Education Code, is amended to read as follows:

(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code;

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(D) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under

CONFERENCE

SECTION 1. Same as Senate version.

Senate Bill 2432
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

Sections 485.031 through 485.034, Health and Safety Code;
[~~or~~]

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code; or

(G) engages in conduct that contains the elements of the offense of harassment under Section 42.07(a)(1), (2), (3), or (7), Penal Code, against an employee of the school district.

SECTION 2. This Act applies beginning with the 2019-2020 school year.

SECTION 3. Effective date.

HOUSE VERSION (IE)

Sections 485.031 through 485.034, Health and Safety Code;
[~~or~~]

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code; or

(G) is determined by a threat assessment team to have engaged in conduct that contains the elements of the offense of harassment under Section 42.07(a)(2), (3), or (7), Penal Code, against an employee of the school district. [FA1;FA2]

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

CONFERENCE

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB2432 by Taylor (Relating to the removal of a public school student from the classroom following certain conduct.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the removal of a public school student from the classroom following certain conduct could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, CPa, AM, HL, SL