

## **BILL ANALYSIS**

Senate Research Center

H.B. 2880  
By: Dutton (Menéndez)  
Criminal Justice  
7/31/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to interested parties, school resource officers have indicated the need for a criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus that recognizes the severity of the threat but also does not bring the lifelong consequences of a felony charge against a student. H.B. 2880 addresses that need by decreasing the penalty for such an offense from a third degree felony to a Class A misdemeanor, unless the actor was in possession of or had immediate access to a firearm.

H.B. 2880 amends current law relating to the criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.125, Education Code, as follows:

Sec. 37.125. New heading: EXHIBITION, USE, OR THREAT OF EXHIBITION OR USE OF FIREARMS. (a) Provides that a person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

(1) Creates this subdivision from exiting text and makes nonsubstantive changes. Exhibits or uses a firearm, rather than exhibits, uses, or threatens to exhibit or use a firearm:

(A) in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

(B) on a school bus being used to transport children to or from school-sponsored activities of a private or public school;

(2) threatens to exhibit or use a firearm in or on property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B) and was in possession of or had immediate access to the firearm; or

(3) threatens to exhibit or use a firearm in or on property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B).

(b) Provides that an offense under Subsection (a)(1) or (2), rather than this section, is a third degree felony.

(c) Provides that an offense under Subsection (a)(3) is a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.