

## **BILL ANALYSIS**

C.S.H.B. 3341  
By: Peña  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties report that there are, unfortunately, many cases where law enforcement personnel must eliminate real threats from the classroom. However, the parties contend, law enforcement personnel should not be given unlimited authority when dealing with Texas children, and Texas children should not be subjected to abuse by officers using excessive force in schools. C.S.H.B. 3341 seeks to address issues relating to the use of force against students.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3341 amends the Education Code to require the superintendent of a school district to notify a student's parent or guardian as soon as practicable after the student is subjected to a restraint or arrested on school property or during a school-sponsored or school-related activity. The bill sets out the information regarding the incident required to be included in the notice. The bill requires a superintendent, after the last day of classes each school year and not later than the date specified by commissioner of education rule, to submit to the Texas Education Agency (TEA) a report containing information on the uses of restraints against and the arrests of students that occurred during the preceding school year, organized by campus. The bill sets out the information required to be included in the report, prohibits the report from including personally identifiable student information, and requires the report to comply with the federal Family Educational Rights and Privacy Act of 1974. The bill requires a school district that enters into a memorandum of understanding with a local law enforcement agency for the provision of a regular police presence on campus to designate in the memorandum of understanding which entity will be responsible for collecting the information for the report. The bill makes it a Class A misdemeanor offense for a superintendent to knowingly fail to provide the required notice to a student's parent or guardian or to submit the required report to TEA. The bill requires TEA to collect the reports submitted by superintendents, compile the information, and make the information available to the public. The bill applies beginning with the 2015–2016 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3341 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended.

SECTION 1. Same as introduced version.

SECTION 2. Section 39.03, Penal Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

No equivalent provision.

(d) An offense under this section is a Class A misdemeanor, except that an offense is:

(1) a state jail felony if the offense is committed against a public primary or secondary school student on school property or during a school-sponsored or school-related activity; or

(2) a felony of the third degree if the public servant acted with the intent to impair the accuracy of data reported to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Section 42.006, Education Code, under a law requiring that reporting.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

SECTION 3. (a) Section 37.0815, Education Code, as added by this Act, applies beginning with the 2015-2016 school year.

SECTION 2. Section 37.0815, Education Code, as added by this Act, applies beginning with the 2015-2016 school year.

(b) The change in law made by this Act to Section 39.03, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was

committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.