

BILL ANALYSIS

Senate Research Center

H.B. 278
By: Cuellar (Harris)
Criminal Justice
5-14-97
Engrossed

DIGEST

Currently, there is a significant need to allow schools to stop students from bringing weapons onto school grounds. This bill will provide regulations regarding searches of certain students and children.

PURPOSE

As proposed, H.B. 278 provides regulations regarding searches of certain students and children.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.18, Code of Criminal Procedure, by adding Section 30, as follows:

Sec. 30. FIREARM PROHIBITION AS CONDITION OF PAROLE. Sets forth regulations prohibiting certain persons from possessing, carrying, using, or exhibiting a firearm as a condition of parole.

SECTION 2. Amends Chapter 37C, Education Code, by adding Section 37.084, as follows:

Sec. 37.084. SEARCHES OF CERTAIN STUDENTS. Authorizes a teacher, a school official, or a peace officer acting on the request of a school official, to search a student's person while the student is on school property or attending a school-sponsored or school-related activity on or off school property under certain circumstances. Provides that the scope of a search conducted under Subsection (a) is reasonable if the methods used to search the student meet certain requirements. Provides that this section does not limit the authority of school personnel to conduct a search of a student as permitted by federal law.

SECTION 3. Amends Chapter 54, Family Code, by adding Section 54.046, as follows:

Sec. 54.046. FIREARMS PROHIBITION AS CONDITION OF PROBATION. Sets forth regulations regarding prohibiting certain juveniles from possessing, carrying, using, or exhibiting a firearm as a condition of probation.

SECTION 4. Amends Chapter 61F, Human Resources Code, by adding Section 61.085, as follows:

Sec. 61.085. FIREARMS PROHIBITION AS CONDITION OF RELEASE. Sets forth regulations regarding prohibiting certain children from possessing, carrying, using, or exhibiting a firearm as a condition of release.

SECTION 5. (a) Effective date: September 1, 1997, except as provided by Subsection (b). Makes application of this Act prospective.

(b) Provides that SECTION 2 of this Act applies beginning with the 1997-1998 school year.

SECTION 6. Emergency clause.

Effective date: upon passage.