

BILL ANALYSIS

Senate Research Center
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H.B. 2629
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Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the punishment for criminal trespass on the grounds of a private or independent institution of higher education is a Class B misdemeanor under the Penal Code while the punishment for criminal trespass on a public institution of higher education is a Class C misdemeanor under the Education Code.

H.B. 2629 affords campus police for private institutions the option of issuing a Class C citation. This would provide an officer the option to simply ticket rather than detain an individual as currently required by the Penal Code. Additionally, a ticket versus a transport to the county jail would keep the officers on campus and allow the officer to handle the incident in proportion to the seriousness of the incident.

H.B. 2629 amends the Education Code to include private or independent institutions of higher education to the current offense of campus trespass. H.B. 2629 amends the Education Code to grant campus police for private and independent institutions of higher education the authority to require identification of any person on the property.

H.B. 2629 amends current law relating to unauthorized persons at public or private institutions of higher education in this state and to trespass, damage, or defacement occurring on the grounds of those institutions; amending provisions subject to a criminal penalty and creating offenses.

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 the heading to Section 51.202, Education Code, to read as follows:

Sec. 51.202. RULES AND REGULATIONS.

SECTION 2. Amends Section 51.204, Education Code, as follows:

Sec. 51.204. New heading: TRESPASS, DAMAGE, DEFACEMENT. (a) Defines "institution of higher education" and "private or independent institution of higher education."

(b) Creates this subsection from existing text. Provides that it is unlawful for any person to:

(1) trespass on the grounds of an institution of higher education or of a private or independent institution of higher education, rather than trespass on the grounds of any state institution of higher education of this state, or;

(2) damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of an institution of higher education or of a private or independent institution of

higher education, rather than to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education.

SECTION 3. Amends Section 51.208, Education Code, as follows:

Sec. 51.208. New heading: PENALTY; COURTS HAVING JURISDICTION. (a) Defines "institution of higher education" and "private or independent institution of higher education."

(b) Provides that a person who violates any provision of this subchapter or any rule or regulation promulgated under this subchapter commits an offense. Provides that an offense under this subsection is a misdemeanor punishable by a fine of not more than \$200.

(c) Creates this subsection from existing text. Provides that the judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of an institution of higher education or of a private or independent institution of higher education, rather than a state institution of higher education, is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of \$200, Education Code.

SECTION 4. Amends Section 51.209, Education Code, as follows:

Sec. 51.209. UNAUTHORIZED PERSONS; REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. (a) Defines "institution of higher education" and "private or independent institution of higher education."

(b) Creates this subsection from existing text. Authorizes the governing board of an institution of higher education or a private or independent institution of higher education, rather than a state institution of higher education, or the governing board's authorized representatives to refuse to allow persons having no legitimate business to enter on property under the board's control, and to reject any undesirable person from the property on the person's refusal to leave peaceably on request. Requires the person to provide that identification on request and provides that identification may be required of any person on the property. Makes nonsubstantive changes.

SECTION 5. Repealer: Section 51.202(b) (providing that a person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200), Education Code.

SECTION 6: Effective date: September 1, 2015.