

- SUBJECT:** Notifying school officials of student arrest for certain crimes
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 8 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, A. Reyna, Smith
- 0 nays
- 1 absent — Williams
- WITNESSES:** For — Rene Lara, Texas Federation of Teachers; Jay Levin, Texas State Teachers Association; William Perry, Austin Independent School District; Patricia V. Hayes
- Against — None
- On — Billy Jacobs, Texas Education Agency
- BACKGROUND :** The Code of Criminal Procedure requires law enforcement officials to notify school superintendents when students in their districts are arrested or taken into custody for certain offenses. These include murder, aggravated kidnapping, sexual assault, aggravated assault, aggravated sexual assault, injury to a child, elderly person or disabled individual, arson, robbery, aggravated robbery, a terroristic threat, sale or possession of illegal drugs, unlawful possession of weapons, and crimes committed as part of an organized criminal or street gang. Prosecuting attorneys also must notify school superintendents when students are convicted of or otherwise adjudicated for these crimes.
- DIGEST:** CSHB 1150 would expand the list of offenses requiring reporting by law enforcement authorities by also including other offenses listed in Title 5 of the Penal Code — manslaughter, criminally negligent homicide, false imprisonment, kidnapping, homosexual conduct, public lewdness, indecent exposure, indecency with a child, deadly conduct, tampering with a consumer product, and leaving a child in a vehicle — and the offenses of arson, robbery, aggravated robbery, burglary, as well as crimes committed as part of an organized street gang. CSHB 1150 also would require law

enforcement officials to report to school superintendents when students were arrested for a felony during the commission of which a deadly weapon was used or exhibited.

The new reporting requirements proposed by CSHB 1150 would begin with the 1997-98 school year.

CSHB 1150 would take effect immediately if finally approved by a two-thirds record vote of the membership of both houses.

**SUPPORTERS  
SAY:**

CSHB 1150 would remedy problems with the current system used to notify schools of violent behavior by students. Often school officials never find out that a student has been arrested for a violent crime and allow the student to return to a regular classroom even though the student's presence may pose a threat to others.

Sometimes this happens because the particular offense is not listed as a crime for which an arrest must be reported. The list of crimes against persons in the Code of Criminal Procedure is not as comprehensive as the one in Title 5 of the Penal Code. By replacing the less inclusive list with the more comprehensive list, CSHB 1150 would ensure that Texas schools are properly notified about student offenders, as was clearly intended by the Legislature when it enacted the original reporting bill.

Even though Title 5 also includes some non-violent crimes, there are enough protections in the existing statute to ensure that schools would not punish students just because they were arrested for a non-violent crime. Current law authorizes school officials to take the necessary precautions to guard against violence at school or school-sponsored events, but they may not penalize students solely because they have received police notification about them.

**OPPONENTS  
SAY:**

CSHB 1150 would go too far in its attempt to ensure that arrests for violent crimes are reported. The bill would require law enforcement officials to report arrests for such crimes as tampering with a consumer product and leaving a child in a vehicle, which would not pose a threat to other students.

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NOTES: CSHB 1150 deleted a requirement that superintendents be notified when a student was arrested for any offense except one punishable only by fine.

Rep. Greenberg plans to offer a floor amendment that would delineate further reportable offenses under Title 5 of the Penal Code.