

CHAPTER 298

H.B. No. 723

AN ACT

relating to behavior for which a public school student may be expelled and to liability resulting from that behavior.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 21.3011, Education Code, is amended by amending Subsection (b) to read as follows:

1667

(b) A student may be removed from class and expelled without resort to an alternative education program under Section 21.301 of this code if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

- (1) assaults a teacher or other individual;
- (2) sells, gives, or delivers to another person or possesses or uses or is under the influence of:
 - (A) marihuana or a controlled substance, as defined by the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes) or by 21 U.S.C. Section 801 et seq.; or
 - (B) a dangerous drug, as defined by the Texas dangerous drug law, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 (Article 4476-14, Vernon's Texas Civil Statutes);
- (3) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, or commits a serious act or offense while under the influence of alcohol; or on more than one occasion possesses, uses, or is under the influence of an alcoholic beverage;
- (4) possesses a firearm as defined by Section 46.01(3), Penal Code, an illegal knife as defined by Section 46.01(6), Penal Code, a club as defined by Section 46.01(1), Penal Code, or a weapon listed as a prohibited weapon under Section 46.06, Penal Code; ~~or~~
- (5) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Section 4.13, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or relating to volatile chemicals under Chapter 323, Acts of the 68th Legislature, Regular Session, 1983 (Article 4476-13a, Vernon's Texas Civil Statutes);
- (6) *engages in conduct that contains the elements of the offense of arson under Section 28.02, Penal Code; or*
- (7) *engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, if the offense is punishable as a felony under that section.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 723 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.