

Chapter 795

H.B. No. 2880

AN ACT

relating to the criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.125, Education Code, is amended to read as follows:

Sec. 37.125. EXHIBITION, USE, OR THREAT OF EXHIBITION OR USE OF FIREARMS. (a) A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

(1) exhibits or [~~7~~] uses [~~7, or threatens to exhibit or use~~] a firearm:

(A) [~~(1)~~] in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

(B) [~~(2)~~] on a school bus being used to transport children to or from school-sponsored activities of a private or public school;

(2) threatens to exhibit or use a firearm in or on property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B) and was in possession of or had immediate access to the firearm; or

(3) threatens to exhibit or use a firearm in or on property described by Subdivision (1)(A) or on a bus described by

1 Subdivision (1)(B).

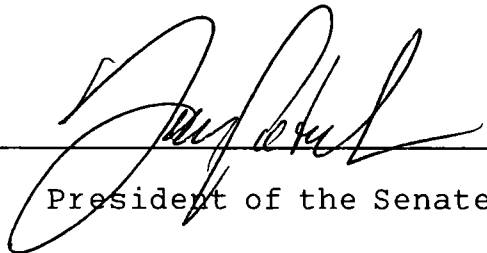
2 (b) An offense under Subsection (a)(1) or (2) [~~this section~~]
3 is a third degree felony.

4 (c) An offense under Subsection (a)(3) is a Class A
5 misdemeanor.

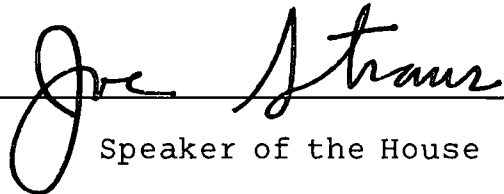
6 SECTION 2. The changes in law made by this Act apply only to
7 an offense committed on or after the effective date of this Act. An
8 offense committed before the effective date of this Act is governed
9 by the law in effect on the date the offense was committed, and the
10 former law is continued in effect for that purpose. For purposes of
11 this section, an offense was committed before the effective date of
12 this Act if any element of the offense occurred before that date.

13 SECTION 3. This Act takes effect September 1, 2017.

H.B. No. 2880

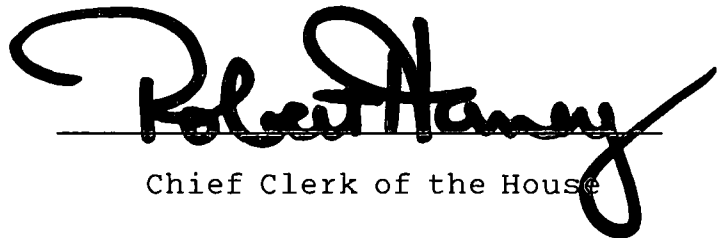


President of the Senate



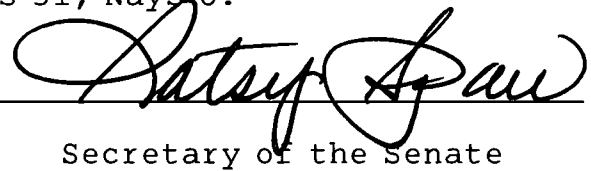
Speaker of the House

I certify that H.B. No. 2880 was passed by the House on May 6, 2017, by the following vote: Yeas 138, Nays 6, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2880 was passed by the Senate on May 24, 2017, by the following vote: Yeas 31, Nays 0.

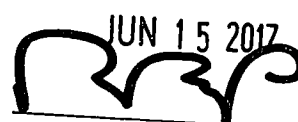


Secretary of the Senate

APPROVED: _____
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:00 PM O'CLOCK

JUN 15 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2880 by Dutton (Relating to the criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to clarify and reclassify the offense of threatening to exhibit or use a firearm on certain school property. The bill would make it a third-degree felony for a person to threaten to exhibit or use a firearm on covered property if that person is in possession of or has immediate access to the firearm. The offense would be classified as a Class A misdemeanor otherwise. The bill takes effect September 1, 2017.

No significant fiscal impact on the state court system is anticipated by the Office of Court Administration. No significant fiscal impact is anticipated by the Texas Department of Criminal Justice. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice, 701 Texas Education Agency

LBB Staff: UP, KJo, THo, AM, RSt

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 10, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2880 by Dutton (Relating to the criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus.), **As Introduced**

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Department of Criminal Justice, 701 Texas Education Agency

LBB Staff: UP, THo, AM, RSt

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2880 by Dutton (Relating to the criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Education Code as it relates to the exhibition of firearms on or in school property or a school bus. Under the provisions of the bill, separate penalties would be created for individuals who threaten to exhibit or use a firearm in or on school property or a school bus. Individuals who made a threat but were not in possession or did not have immediate access to the firearm would now commit a Class A misdemeanor. Under existing statute, this behavior is punishable as a third degree felony. Individuals who made a threat and did possess or have immediate access to the firearm would be subject to the original penalty of a third degree felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years. In addition to confinement, most felony offenses are also subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in a county jail for a term not to exceed one year and/or a fine not to exceed \$4,000.

Decreasing the penalty for certain conduct related to a criminal offense is expected to result in reduced demands on the correctional resources of the counties or of the State due to a potential decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 78 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for exhibiting a firearm on campus or a school bus punishable as a third degree felony. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant reduction on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, LM, AKU

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 11, 2017

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