

By: Slawson

H.B. No. 4007

A BILL TO BE ENTITLED

AN ACT

relating to the open carrying of a handgun by a uniformed school marshal.

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

SECTION 1. Sections 37.0811(c) and (d), Education Code, are amended to read as follows:

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may carry ~~[a concealed handgun]~~ or possess a handgun on the physical premises of a school, but only:

(1) in the manner provided by written regulations adopted by the board of trustees or the governing body; and

(2) at a specific school as specified by the board of trustees or governing body, as applicable.

(d) Any written regulations adopted for purposes of Subsection (c) must:

(1) provide that a school marshal may:

(A) carry a concealed handgun on the school marshal's person;

(B) if wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person; or

(C) possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured

1 location; and

2 (2) [~~. The written regulations must also~~] require
3 that a handgun carried or possessed by a school marshal [~~may~~] be
4 loaded only with frangible duty ammunition approved for that
5 purpose by the Texas Commission on Law Enforcement.

6 SECTION 2. Sections 37.0813(c) and (d), Education Code, are
7 amended to read as follows:

8 (c) A school marshal appointed by the governing body of a
9 private school may carry [~~a concealed handgun~~] or possess a handgun
10 on the physical premises of a school, but only in the manner
11 provided by written regulations adopted by the governing body.

12 (d) Any written regulations adopted for purposes of
13 Subsection (c) must:

14 (1) provide that a school marshal may:

15 (A) carry a concealed handgun on the school
16 marshal's person;

17 (B) if wearing a uniform identifying the marshal
18 as a school marshal, openly carry a handgun on the school marshal's
19 person; or

20 (C) possess the handgun on the physical premises
21 of a school in a locked and secured safe or other locked and secured
22 location; and

23 (2) [~~. The written regulations must also~~] require
24 that a handgun carried or possessed by a school marshal [~~may~~] be
25 loaded only with frangible duty ammunition approved for that
26 purpose by the Texas Commission on Law Enforcement.

27 SECTION 3. Section 51.220(d), Education Code, is amended to

1 read as follows:

2 (d) A school marshal appointed by the governing board of a
3 public junior college may carry [~~a concealed handgun~~] or possess a
4 handgun on the physical premises of a public junior college campus,
5 but only:

6 (1) in the manner provided by written regulations
7 adopted by the governing board; and

8 (2) at a specific public junior college campus as
9 specified by the governing board.

10 SECTION 4. Section 51.220(e), Education Code, as amended by
11 Chapters 795 (H.B. 781) and 851 (S.B. 741), Acts of the 87th
12 Legislature, Regular Session, 2021, is reenacted and amended to
13 read as follows:

14 (e) Any written regulations adopted for purposes of
15 Subsection (d):

16 (1) must [~~+~~

17 [~~(A)~~] authorize a school marshal to:

18 (A) carry a concealed handgun [~~as described by~~
19 ~~Subsection (d)~~] on the school marshal's person;

20 (B) if wearing a uniform identifying the marshal
21 as a school marshal, openly carry a handgun on the school marshal's
22 person; or

23 (C) possess the handgun on the physical premises
24 of a public junior college campus in a locked and secured safe or
25 other locked and secured location; [~~and~~]

26 (2) must [~~(B)~~] require that a handgun carried or
27 possessed by a school marshal [~~to~~] be loaded only with frangible

1 duty ammunition approved for that purpose by the Texas Commission
2 on Law Enforcement; and

3 (3) [~~(2)~~] may not require a school marshal to store
4 the handgun in a locked container while on duty.

5 SECTION 5. This Act applies beginning with the 2023-2024
6 school year.

7 SECTION 6. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.