

1-1 By: Birdwell S.B. No. 870
1-2 (In the Senate - Filed January 22, 2025; February 13, 2025,
1-3 read first time and referred to Committee on Education K-16;
1-4 April 7, 2025, reported favorably by the following vote: Yeas 9,
1-5 Nays 2; April 7, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Creighton	X		
1-9	Campbell	X		
1-10	Bettencourt	X		
1-11	Hagenbuch	X		
1-12	Hinojosa of Nueces	X		
1-13	King	X		
1-14	Menéndez		X	
1-15	Middleton	X		
1-16	Parker	X		
1-17	Paxton	X		
1-18	West		X	

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the open carrying of a handgun by a uniformed school
1-22 marshal.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 37.0811(c) and (d), Education Code, are
1-25 amended to read as follows:

1-26 (c) A school marshal appointed by the board of trustees of a
1-27 school district or the governing body of an open-enrollment charter
1-28 school may carry ~~[a concealed handgun]~~ or possess a handgun on the
1-29 physical premises of a school, but only:

1-30 (1) in the manner provided by written regulations
1-31 adopted by the board of trustees or the governing body; and

1-32 (2) at a specific school as specified by the board of
1-33 trustees or governing body, as applicable.

1-34 (d) Any written regulations adopted for purposes of
1-35 Subsection (c) must:

1-36 (1) provide that a school marshal may:

1-37 (A) carry a concealed handgun on the school
1-38 marshal's person;

1-39 (B) if wearing a uniform identifying the marshal
1-40 as a school marshal, openly carry a handgun on the school marshal's
1-41 person; or

1-42 (C) possess the handgun on the physical premises
1-43 of a school in a locked and secured safe or other locked and secured
1-44 location; and

1-45 (2) ~~[The written regulations must also]~~ require
1-46 that a handgun carried or possessed by a school marshal ~~[may]~~ be
1-47 loaded only with frangible duty ammunition approved for that
1-48 purpose by the Texas Commission on Law Enforcement.

1-49 SECTION 2. Sections 37.0813(c) and (d), Education Code, are
1-50 amended to read as follows:

1-51 (c) A school marshal appointed by the governing body of a
1-52 private school may carry ~~[a concealed handgun]~~ or possess a handgun
1-53 on the physical premises of a school, but only in the manner
1-54 provided by written regulations adopted by the governing body.

1-55 (d) Any written regulations adopted for purposes of
1-56 Subsection (c) must:

1-57 (1) provide that a school marshal may:

1-58 (A) carry a concealed handgun on the school
1-59 marshal's person;

1-60 (B) if wearing a uniform identifying the marshal
1-61 as a school marshal, openly carry a handgun on the school marshal's

2-1 person; or

2-2 (C) possess the handgun on the physical premises
2-3 of a school in a locked and secured safe or other locked and secured
2-4 location; and

2-5 (2) [~~The written regulations must also~~] require
2-6 that a handgun carried or possessed by a school marshal [~~may~~] be
2-7 loaded only with frangible duty ammunition approved for that
2-8 purpose by the Texas Commission on Law Enforcement.

2-9 SECTION 3. Section 51.220(d), Education Code, is amended to
2-10 read as follows:

2-11 (d) A school marshal appointed by the governing board of a
2-12 public junior college may carry [~~a concealed handgun~~] or possess a
2-13 handgun on the physical premises of a public junior college campus,
2-14 but only:

2-15 (1) in the manner provided by written regulations
2-16 adopted by the governing board; and

2-17 (2) at a specific public junior college campus as
2-18 specified by the governing board.

2-19 SECTION 4. Section 51.220(e), Education Code, as amended by
2-20 Chapters 795 (H.B. 781) and 851 (S.B. 741), Acts of the 87th
2-21 Legislature, Regular Session, 2021, is reenacted and amended to
2-22 read as follows:

2-23 (e) Any written regulations adopted for purposes of
2-24 Subsection (d):

2-25 (1) must ~~+~~
2-26 [~~(A)~~] authorize a school marshal to:
2-27 (A) carry a concealed handgun [~~as described by~~
2-28 ~~Subsection (d)~~] on the school marshal's person;

2-29 (B) if wearing a uniform identifying the marshal
2-30 as a school marshal, openly carry a handgun on the school marshal's
2-31 person; or

2-32 (C) possess the handgun on the physical premises
2-33 of a public junior college campus in a locked and secured safe or
2-34 other locked and secured location; [~~and~~]

2-35 (2) must [~~(B)~~] require that a handgun carried or
2-36 possessed by a school marshal [~~to~~] be loaded only with frangible
2-37 duty ammunition approved for that purpose by the Texas Commission
2-38 on Law Enforcement; and

2-39 (3) [~~(2)~~] may not require a school marshal to store
2-40 the handgun in a locked container while on duty.

2-41 SECTION 5. This Act applies beginning with the 2025-2026
2-42 school year.

2-43 SECTION 6. This Act takes effect immediately if it receives
2-44 a vote of two-thirds of all the members elected to each house, as
2-45 provided by Section 39, Article III, Texas Constitution. If this
2-46 Act does not receive the vote necessary for immediate effect, this
2-47 Act takes effect September 1, 2025.

2-48 * * * * *