

By: Dutton

H.B. No. 789

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the employment of school district peace officers and
3 the enforcement of certain violations under a student code of
4 conduct.

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

6 SECTION 1. Sections 37.081(a), (f), and (h), Education
7 Code, are amended to read as follows:

8 (a) The board of trustees of an independent ~~[any]~~ school
9 district may employ security personnel and may commission peace
10 officers to carry out this subchapter. If a board of trustees
11 authorizes a person employed as security personnel to carry a
12 weapon, the person must be a commissioned peace officer. The
13 jurisdiction of a peace officer or security personnel under this
14 section shall be determined by the board of trustees and may include
15 all territory in the boundaries of the school district and all
16 property outside the boundaries of the district that is owned,
17 leased, or rented by or otherwise under the control of the school
18 district and the board of trustees that employ the peace officer or
19 security personnel.

20 (f) The chief of police of the school district police
21 department shall be accountable to the superintendent and shall
22 report to the superintendent or to the assistant, associate, or
23 deputy superintendent designated by the superintendent
24 ~~[superintendent's designee]~~. School district police officers

1 shall be supervised by the chief of police of the school district or
2 a police officer designated by the chief of police. School district
3 police officers must [~~police's designee and shall~~] be licensed by
4 the Commission on Law Enforcement Officer Standards and Education.

5 (h) [~~A peace officer assigned to duty and commissioned under~~
6 ~~this section shall take and file the oath required of peace officers~~
7 ~~and shall execute and file a bond in the sum of \$1,000, payable to~~
8 ~~the board of trustees, with two or more sureties, conditioned that~~
9 ~~the peace officer will fairly, impartially, and faithfully perform~~
10 ~~all the duties that may be required of the peace officer by law. The~~
11 ~~bond may be sued on in the name of any person injured until the whole~~
12 ~~amount of the bond is recovered.] Any peace officer commissioned
13 under this section must meet all minimum standards for peace
14 officers established by the Commission on Law Enforcement Officer
15 Standards and Education.~~

16 SECTION 2. Section 37.102, Education Code, is amended by
17 adding Subsection (d) to read as follows:

18 (d) Subsection (c) does not apply to conduct by a student
19 that violates the student code of conduct if the conduct is not an
20 offense under other law or under a specific rule adopted by the
21 board of trustees under this subchapter.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.