

BILL ANALYSIS

Senate Research Center

S.B. 17
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 17 allows for two employees of a district or an open-enrollment charter school without security personnel to participate in a school safety training program under the Department of Public Safety of the State of Texas with no charge. Currently under Section 46.03(a)(1) (relating to providing that a person commits an offense if the person brings certain weapons to a school without authorization) of the Penal Code, a school board or governing body of an open-enrollment charter school may authorize certain employees to carry a concealed weapon on campuses. S.B. 17 provides for safety training for at least two authorized employees at schools without any security personnel.

S.B. 17 amends current law relating to the training in school safety of certain educators of a school district or an open-enrollment charter school authorized to carry a concealed handgun on school premises.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 37, Education Code, by adding Subchapter J, as follows:

SUBCHAPTER J. SAFETY TRAINING FOR CERTAIN EMPLOYEES

Sec. 37.321. DEFINITIONS. Defines "department" and "training center" in this subchapter.

Sec. 37.322. SAFETY TRAINING PROGRAM FOR EMPLOYEES LICENSED TO CARRY CONCEALED HANDGUN. (a) Requires the Department of Public Safety of the State of Texas (DPS), with technical assistance based on the best practices developed for law enforcement officers by the Advanced Law Enforcement Rapid Response Training Center (training center), except as provided by Section 37.325(e), to establish and maintain a training program in school safety and the protection of students for employees of a school district or an open-enrollment charter school who hold a license to carry a concealed handgun issued under Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code, are authorized by the school district or open-enrollment charter school to carry a concealed handgun under Section 46.03(a)(1) (relating to providing that a person commits an offense if the person brings certain weapons to a school without authorization), Penal Code, and are selected by the board of trustees of a school district or governing body of the open-enrollment charter school to attend the training program.

(b) Requires DPS, each school year, to provide the training program under Subsection (a) at no charge for two employees at a school campus that does not have security personnel or a commissioned peace officer assigned full-time to the school campus.

(c) Authorizes DPS to provide the training program under Subsection (a) to school employees in addition to those attending the training under Subsection (b) on payment of a fee by the school district or open-enrollment charter school employing the person.

(d) Prohibits a school district or open-enrollment charter school from requiring an employee to involuntarily participate in the training program under Subsection (a). Prohibits an employee from being subject to any penalty or disciplinary action for refusing to participate in the training program.

(e) Provides that nothing in this section prohibits a school district or open-enrollment charter school from revoking authorization for an employee to carry a concealed handgun under Section 46.03(a)(1), Penal Code, if the employee refuses to participate in the training program under Subsection (a).

Sec. 37.3221. AUTHORIZATION TO CARRY CONCEALED HANDGUN AT CERTAIN SCHOOL EVENTS. Authorizes an employee who has met the requirements of Section 37.322(a) and who has successfully completed the training program under Section 37.322, notwithstanding Section 46.035(b)(2) (relating to providing that a person commits an offense if the person brings certain weapons to a school function without authorization), Penal Code, to, pursuant to written regulation or written authorization by the school district or open-enrollment charter school, carry a concealed handgun on premises owned or controlled by the employing school district or open-enrollment charter school during a high school event or interscholastic event in which students from the employing school district or open-enrollment charter school are participating.

Sec. 37.323. LIMITATION OF LIABILITY. (a) Provides that this subchapter does not waive any rights, privileges, immunities, or defenses of:

(1) a school district, an open-enrollment charter school, Texas State University--San Marcos, or the Texas State University System;

(2) the board of trustees of a school district, the governing body of an open-enrollment charter school, or the board of regents of the Texas State University System; or

(3) an officer or employee of a school district, an open-enrollment charter school, or the Texas State University System.

(b) Provides that this subchapter does not create any liability for or a cause of action against:

(1) a school district, an open-enrollment charter school, Texas State University--San Marcos, or the Texas State University System;

(2) the board of trustees of a school district, the governing body of an open-enrollment charter school, or the board of regents of the Texas State University System; or

(3) an officer or employee of a school district, open-enrollment charter school, or the Texas State University System.

(c) Prohibits a court from holding DPS or the training center or an officer or employee of DPS or the training center liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of a district or charter school employee that occur after the employee has received training or has been denied training under this subchapter.

(d) Prohibits a cause of action for damages from being brought against DPS or the training center or an officer or employee of DPS or the training center for any damage caused by the actions of a district or charter school employee under this subchapter.

(e) Provides that DPS or the training center is not responsible for any injury or damage inflicted on any person by a district or charter school employee arising or alleged to have arisen from an action taken by DPS or the training center under this subchapter.

(f) Provides that DPS or the training center or an officer or employee of DPS or the training center is immune from liability and from suit for any act or failure to act arising under this subchapter.

Sec. 37.324. CONFIDENTIALITY OF RECORDS. (a) Requires DPS and the board of trustees of a school district or governing body of an open-enrollment charter school to disclose to a criminal justice agency information contained in its files and records regarding whether a named employee or any employee named in a specified list has attended training under this subchapter. Provides that information on an employee subject to disclosure under this section includes the employee's name, date of birth, zip code, and telephone number. Provides that, except as otherwise provided by this section, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552 (Public Information), Government Code.

(b) Authorizes a school district or open-enrollment charter school employee who has attended training to be furnished a copy of disclosable records regarding the employee on request.

(c) Requires DPS and the board of trustees of a school district or open-enrollment charter school to make available on request by an employee the name of the criminal justice agency requesting information relating to the employee under this section.

Sec. 37.325. FUNDS. (a) Provides that the school safety training fund is created as a special fund in the state treasury and that the fund consists of gifts, grants, and donations.

(b) Authorizes DPS to solicit and accept a gift, grant, or donation from any source, including a foundation or private entity, for the training program under Section 37.322(a) and requires DPS to deposit money accepted under this subsection to the credit of the school safety training fund.

(c) Requires DPS to use funds collected under Subsection (b) before using any state funds to establish and maintain the training program under Section 37.322.

(d) Prohibits the amount of state funds allocated in any state fiscal biennium for the training program under Section 37.322 from exceeding \$ 1 million.

(e) Requires DPS to establish and maintain the training program under Section 37.322 only if sufficient funds under Subsection (b) and state funds allocated for the training program are available.

SECTION 2. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 3. Effective date: September 1, 2013.