

## **BILL ANALYSIS**

S.B. 17  
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Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that current law does not provide for school safety training of certain employees of a school district or open-enrollment charter school who are properly licensed and authorized to carry a concealed handgun on certain school premises. In light of recent events, the parties contend that legislative action is necessary to address this important issue. S.B. 17 provides for the free participation in a school safety training program for certain employees of a school district or charter school that does not have a peace officer or security personnel assigned full-time to the campus.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 17 amends the Education Code to require the Department of Public Safety (DPS), with technical assistance based on the best practices developed for law enforcement officers by the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos, 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 concealed handgun license issued by DPS, are authorized in writing by the school district or charter school to carry a concealed handgun on certain premises associated with the school, and are selected by the board of trustees of the school district or governing body of the charter school to attend the training program. The bill requires DPS to provide the training program each school year 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 and authorizes DPS to provide the training program to school employees in addition to those two employees attending the training on payment of a fee by the district or charter school employing the person.

S.B. 17 prohibits a school district or open-enrollment charter school from requiring an employee to involuntarily participate in the safety training program and prohibits the subjecting of an employee to any penalty or disciplinary action for refusing to participate in the training program. The bill's provisions expressly do not prohibit a school district or charter school from revoking a written authorization for an employee to carry a concealed handgun on certain school premises if the employee refuses to participate in the training program.

S.B. 17 authorizes an employee who has met the bill's requirements to participate in the safety training program and who has successfully completed the training program, pursuant to written regulation or written authorization by the school district or open-enrollment charter school, to carry a concealed handgun on premises owned or controlled by the employing district or charter school during a high school event or interscholastic event in which students from the employing district or charter school are participating. The bill's provisions do not waive any rights, privileges, immunities, or defenses of, or create any liability for or a cause of action against the

following persons or entities: a school district, an open-enrollment charter school, Texas State University--San Marcos, or the Texas State University System; 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 an officer or employee of a school district, an open-enrollment charter school or the Texas State University System.

S.B. 17 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 an action authorized under or a failure to perform a duty imposed by the bill's provisions or the actions of a district or charter school employee that occur after the employee has received or been denied training under the bill's provisions and prohibits a cause of action for damages from being brought against such entities and persons for any damage caused by the actions of a district or charter school employee under the bill's provisions. The bill specifies that neither DPS nor the training center is 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 the bill's provisions and grants immunity to DPS, the training center, and an officer or employee of DPS or the training center from liability and from suit for any act or failure to act arising under the bill's provisions.

S.B. 17 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 certain employee identifying information contained in its files and records regarding whether a named employee or any employee named in a specified list has attended the training program. The bill makes all other records maintained under the bill's provisions confidential and not subject to mandatory disclosure under the state's open records law. The bill 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. The bill requires DPS and the board of trustees of a district or governing body of a charter school to make available on request by an employee the name of the criminal justice agency requesting information relating to the employee.

S.B. 17 establishes the school safety training fund as a special fund in the state treasury consisting of gifts, grants, and donations. The bill authorizes DPS to solicit and accept a gift, grant, or donation from any source for the training program and requires DPS to deposit the accepted money to the credit of the school safety training fund. The bill requires DPS to use funds collected in this manner before using any state funds to establish and maintain the training program, caps the amount of state funds allocated in any state fiscal biennium for the training program at \$1 million, and requires DPS to establish and maintain the training program only if sufficient funds accepted under the bill's provisions for the program and state funds allocated for the program are available. The bill's provisions apply beginning with the 2013-2014 school year.

#### **EFFECTIVE DATE**

September 1, 2013.