A BILL TO BE ENTITLED

AN ACT

relating to the creation of a new category of law enforcement
officer who shall be designated a school marshal, the training and
appointment of certain employees of a school district or
open-enrollment charter school as school marshals, and the rights,
restrictions, limitations, and responsibilities of school
marshals; authorizing the imposition of a fee.

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

SECTION 1. This Act shall be known as The Protection of
Texas Children Act.

SECTION 2. Chapter 2, Code of Criminal Procedure, is
amended by adding Article 2.127 to read as follows:

Art. 2.127. SCHOOL MARSHALS. (a) Except as provided by
Subsection (b), a school marshal may make arrests and exercise all
authority given peace officers under this code, subject to written
regulations adopted by the board of trustees of a school district or
the governing body of an open-enrollment charter school under
Section 37.0811, Education Code, and only act as necessary to
prevent or abate the commission of an offense that threatens
serious bodily injury or death of students, faculty or visitors on
school premises.

(b) A school marshal may not issue a traffic citation for a
violation of Chapter 521, Transportation Code, or Subtitle C, Title
7, Transportation Code.
(c) A school marshal is not entitled to state benefits normally provided by the state to a peace officer.

(d) A person may not serve as a school marshal unless the person is:

(1) licensed under Section 1701.260, Occupations Code; and

(2) appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code.

SECTION 3. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0811 to read as follows:

Sec. 37.0811. SCHOOL MARSHALS. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint not more than one school marshal per 400 students in average daily attendance per campus.

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school may select for appointment as a school marshal under this section an applicant who is an employee of the school district or open-enrollment charter school and certified as eligible for appointment under Section 1701.260, Occupations Code. The board of trustees or governing body may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under that section.

(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 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 provide that a school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

(e) A school marshal may access a handgun under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

(f) A school district or charter school employee's status as a school marshal becomes inactive on:

(1) expiration of the employee's school marshal license under Section 1701.260, Occupations Code;

(2) suspension or revocation of the employee's license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code;
(3) termination of the employee's employment with the
district or charter school; or
(4) notice from the board of trustees of the district
or the governing body of the charter school that the employee's
services as school marshal are no longer required.

(g) The identity of a school marshal appointed under this
section is confidential, except as provided by Section 1701.260(j),
Occupations Code, and is not subject to a request under Chapter 552,
Government Code.

SECTION 4. Subchapter H, Chapter 411, Government Code, is
amended by adding Section 411.1871 to read as follows:

Sec. 411.1871. NOTICE OF SUSPENSION OR REVOCATION OF
CERTAIN LICENSES. The department shall notify the Texas Commission
on Law Enforcement Officer Standards and Education if the
department takes any action against the license of a person
identified by the commission as a person certified under Section
1701.260, Occupations Code, including suspension or revocation.

SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is
amended by adding Section 1701.260 to read as follows:

Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY
CONCEALED HANDBAG; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS
SCHOOL MARSHAL. (a) The commission shall establish and maintain a
training program open to any employee of a school district or
open-enrollment charter school who holds a license to carry a
concealed handgun issued under Subchapter H, Chapter 411,
Government Code. The training may be conducted only by the
commission staff or a provider approved by the commission.
(b) The commission shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment.

(c) The training program shall include 80 hours of instruction designed to:

(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) introduce the trainee to effective law enforcement strategies and techniques;

(4) improve the trainee's proficiency with a handgun; and

(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(d) The commission, in consultation with psychologists, shall devise and administer to each trainee a psychological examination to determine whether the trainee is psychologically fit to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter. The commission may license a person under this section only if the results of the
examination indicate that the trainee is psychologically fit to carry out those duties.

(e) The commission shall charge each trainee a reasonable fee to cover the cost to the commission of conducting the program. The commission shall charge each person seeking renewal of school marshal license a reasonable fee to cover the cost to the commission of renewing the person's license.

(f) The commission shall license a person who is eligible for appointment as a school marshal who:

(1) completes training under this section to the satisfaction of the commission staff; and

(2) is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under this section.

(g) A person's license under this section expires on the first birthday of the person occurring after the second anniversary of the date the commission licenses the person. A renewed school marshal license expires on the person's birth date, two years after the expiration of the previous license.

(h) A person may renew the school marshal license under this section by:

(1) successfully completing a renewal course designed and administered by the commission, which such license renewal training will not exceed 16 hours combined of classroom and simulation training;

(2) demonstrating appropriate knowledge on an examination designed and administered by the commission;
(3) demonstrating handgun proficiency to the satisfaction of the commission staff; and

(4) demonstrating psychological fitness on the examination described in Subsection (d).

(i) The commission shall revoke a person's school marshal license if the commission is notified by the Department of Public Safety that the person's license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1) furnishing proof to the commission that the person's concealed handgun license has been reinstated; and

(2) completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

(j) The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:

(1) the director of the Department of Public Safety;

(2) the person's employer, if the person is employed by a school district or open-enrollment charter school;

(3) the chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a school district or open-enrollment charter school located within a municipality;

(4) the sheriff of the county if the person is employed
at a campus of a school district or open-enrollment charter school
that is not located within a municipality; and

(5) the chief administrator of any peace officer
commissioned under Section 37.081, Education Code, if the person is
employed at a school district that has commissioned a peace officer
under that section.

(k) The commission shall immediately report the expiration
or revocation of a school marshal license to the persons listed in
Subsection (j).

(l) Identifying information about a person collected or
submitted under this section is confidential, except as provided by
Subsection (j), and is not subject to disclosure under Chapter 552,
Government Code.

SECTION 6. Chapter 1701.001, Occupations Code, is amended
to read as follows:

Sec. 1701.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Commission on Law
Enforcement Officer Standards and Education.

(2) "County jailer" means a person employed as a
county jail guard under Section 85.005, Local Government Code.

(3) "Officer" means a peace officer or reserve law
enforcement officer.

(4) "Peace officer" means a person elected, employed,
or appointed as a peace officer under Article 2.12, Code of Criminal
Procedure, or other law.

(5) "Public security officer" means a person employed
or appointed as an armed security officer by this state or a
political subdivision of this state. The term does not include a
security officer employed by a private security company that
contracts with this state or a political subdivision of this state
to provide security services for the entity.

(6) "Reserve law enforcement officer" means a person
designated as a reserve law enforcement officer under Section
85.004, 86.012, or 341.012, Local Government Code, or Section
60.0775, Water Code.

(7) "Telecommunicator" means a person acknowledged by
the commission and employed by or serving a law enforcement agency
that performs law enforcement services on a 24-hour basis who
receives, processes, and transmits public safety information and
criminal justice data for the agency by using a base radio station
on a public safety frequency regulated by the Federal
Communications Commission or by another method of communication.

(8) "School Marshal" means a person employed and
appointed by the board of trustees of a school district or the
governing body of an open-enrollment charter school under Article
2.127 of the Code of Criminal Procedure and in accordance with and
having the rights provided by Section 37.0811 of the Education
Code.

SECTION 7. Subchapter G, Chapter 1701, Section 301 of the
Occupations Code, is amended to read as follows:

SUBCHAPTER G. LICENSE REQUIREMENTS; DISQUALIFICATIONS AND
EXEMPTIONS

Sec. 1701.301. LICENSE REQUIRED. Except as provided by
Sections 1701.310 and 1701.311, a person may not appoint a person to
serve as an officer, county jailer, school marshal, or public security officer unless the person appointed holds an appropriate license issued by the commission.

SECTION 8. The Commission on Law Enforcement Officer Standards and Education shall establish a school marshal training program as required by Section 1701.260, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.