

1-1 By: Villalba, et al. (Senate Sponsor - Patrick) H.B. No. 1009  
 1-2 (In the Senate - Received from the House May 7, 2013;  
 1-3 May 9, 2013, read first time and referred to Committee on  
 1-4 Education; May 17, 2013, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the creation of a new category of law enforcement  
 1-20 officer who shall be designated a school marshal, the training and  
 1-21 appointment of certain employees of a school district or  
 1-22 open-enrollment charter school as school marshals, and the rights,  
 1-23 restrictions, limitations, and responsibilities of school  
 1-24 marshals; authorizing the imposition of a fee.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. This Act shall be known as the Protection of  
 1-27 Texas Children Act.

1-28 SECTION 2. Chapter 2, Code of Criminal Procedure, is  
 1-29 amended by adding Article 2.127 to read as follows:

1-30 Art. 2.127. SCHOOL MARSHALS. (a) Except as provided by  
 1-31 Subsection (b), a school marshal may make arrests and exercise all  
 1-32 authority given peace officers under this code, subject to written  
 1-33 regulations adopted by the board of trustees of a school district or  
 1-34 the governing body of an open-enrollment charter school under  
 1-35 Section 37.0811, Education Code, and only act as necessary to  
 1-36 prevent or abate the commission of an offense that threatens  
 1-37 serious bodily injury or death of students, faculty, or visitors on  
 1-38 school premises.

1-39 (b) A school marshal may not issue a traffic citation for a  
 1-40 violation of Chapter 521, Transportation Code, or Subtitle C, Title  
 1-41 7, Transportation Code.

1-42 (c) A school marshal is not entitled to state benefits  
 1-43 normally provided by the state to a peace officer.

1-44 (d) A person may not serve as a school marshal unless the  
 1-45 person is:

1-46 (1) licensed under Section 1701.260, Occupations  
 1-47 Code; and

1-48 (2) appointed by the board of trustees of a school  
 1-49 district or the governing body of an open-enrollment charter school  
 1-50 under Section 37.0811, Education Code.

1-51 SECTION 3. Subchapter C, Chapter 37, Education Code, is  
 1-52 amended by adding Section 37.0811 to read as follows:

1-53 Sec. 37.0811. SCHOOL MARSHALS. (a) The board of trustees  
 1-54 of a school district or the governing body of an open-enrollment  
 1-55 charter school may appoint not more than one school marshal per 400  
 1-56 students in average daily attendance per campus.

1-57 (b) The board of trustees of a school district or the  
 1-58 governing body of an open-enrollment charter school may select for  
 1-59 appointment as a school marshal under this section an applicant who  
 1-60 is an employee of the school district or open-enrollment charter  
 1-61 school and certified as eligible for appointment under Section

2-1 1701.260, Occupations Code. The board of trustees or governing body  
 2-2 may, but shall not be required to, reimburse the amount paid by the  
 2-3 applicant to participate in the training program under that  
 2-4 section.

2-5 (c) A school marshal appointed by the board of trustees of a  
 2-6 school district or the governing body of an open-enrollment charter  
 2-7 school may carry or possess a handgun on the physical premises of a  
 2-8 school, but only:

2-9 (1) in the manner provided by written regulations  
 2-10 adopted by the board of trustees or the governing body; and

2-11 (2) at a specific school as specified by the board of  
 2-12 trustees or governing body, as applicable.

2-13 (d) Any written regulations adopted for purposes of  
 2-14 Subsection (c) must provide that a school marshal may carry a  
 2-15 concealed handgun as described by Subsection (c), except that if  
 2-16 the primary duty of the school marshal involves regular, direct  
 2-17 contact with students, the marshal may not carry a concealed  
 2-18 handgun but may possess a handgun on the physical premises of a  
 2-19 school in a locked and secured safe within the marshal's immediate  
 2-20 reach when conducting the marshal's primary duty. The written  
 2-21 regulations must also require that a handgun carried by or within  
 2-22 access of a school marshal may be loaded only with frangible  
 2-23 ammunition designed to disintegrate on impact for maximum safety  
 2-24 and minimal danger to others.

2-25 (e) A school marshal may access a handgun under this section  
 2-26 only under circumstances that would justify the use of deadly force  
 2-27 under Section 9.32 or 9.33, Penal Code.

2-28 (f) A school district or charter school employee's status as  
 2-29 a school marshal becomes inactive on:

2-30 (1) expiration of the employee's school marshal  
 2-31 license under Section 1701.260, Occupations Code;

2-32 (2) suspension or revocation of the employee's license  
 2-33 to carry a concealed handgun issued under Subchapter H, Chapter  
 2-34 411, Government Code;

2-35 (3) termination of the employee's employment with the  
 2-36 district or charter school; or

2-37 (4) notice from the board of trustees of the district  
 2-38 or the governing body of the charter school that the employee's  
 2-39 services as school marshal are no longer required.

2-40 (g) The identity of a school marshal appointed under this  
 2-41 section is confidential, except as provided by Section 1701.260(j),  
 2-42 Occupations Code, and is not subject to a request under Chapter 552,  
 2-43 Government Code.

2-44 SECTION 4. Subchapter H, Chapter 411, Government Code, is  
 2-45 amended by adding Section 411.1871 to read as follows:

2-46 Sec. 411.1871. NOTICE OF SUSPENSION OR REVOCATION OF  
 2-47 CERTAIN LICENSES. The department shall notify the Texas Commission  
 2-48 on Law Enforcement Officer Standards and Education if the  
 2-49 department takes any action against the license of a person  
 2-50 identified by the commission as a person certified under Section  
 2-51 1701.260, Occupations Code, including suspension or revocation.

2-52 SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is  
 2-53 amended by adding Section 1701.260 to read as follows:

2-54 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY  
 2-55 CONCEALED HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS  
 2-56 SCHOOL MARSHAL. (a) The commission shall establish and maintain a  
 2-57 training program open to any employee of a school district or  
 2-58 open-enrollment charter school who holds a license to carry a  
 2-59 concealed handgun issued under Subchapter H, Chapter 411,  
 2-60 Government Code. The training may be conducted only by the  
 2-61 commission staff or a provider approved by the commission.

2-62 (b) The commission shall collect from each person who  
 2-63 participates in the training program identifying information that  
 2-64 includes the person's name, the person's date of birth, the license  
 2-65 number of the license issued to the person under Subchapter H,  
 2-66 Chapter 411, Government Code, and the address of the person's place  
 2-67 of employment.

2-68 (c) The training program shall include 80 hours of  
 2-69 instruction designed to:

3-1 (1) emphasize strategies for preventing school  
3-2 shootings and for securing the safety of potential victims of  
3-3 school shootings;  
3-4 (2) educate a trainee about legal issues relating to  
3-5 the duties of peace officers and the use of force or deadly force in  
3-6 the protection of others;  
3-7 (3) introduce the trainee to effective law enforcement  
3-8 strategies and techniques;  
3-9 (4) improve the trainee's proficiency with a handgun;  
3-10 and  
3-11 (5) enable the trainee to respond to an emergency  
3-12 situation requiring deadly force, such as a situation involving an  
3-13 active shooter.  
3-14 (d) The commission, in consultation with psychologists,  
3-15 shall devise and administer to each trainee a psychological  
3-16 examination to determine whether the trainee is psychologically fit  
3-17 to carry out the duties of a school marshal in an emergency shooting  
3-18 or situation involving an active shooter. The commission may  
3-19 license a person under this section only if the results of the  
3-20 examination indicate that the trainee is psychologically fit to  
3-21 carry out those duties.  
3-22 (e) The commission shall charge each trainee a reasonable  
3-23 fee to cover the cost to the commission of conducting the program.  
3-24 The commission shall charge each person seeking renewal of a school  
3-25 marshal license a reasonable fee to cover the cost to the commission  
3-26 of renewing the person's license.  
3-27 (f) The commission shall license a person who is eligible  
3-28 for appointment as a school marshal who:  
3-29 (1) completes training under this section to the  
3-30 satisfaction of the commission staff; and  
3-31 (2) is psychologically fit to carry out the duties of a  
3-32 school marshal as indicated by the results of the psychological  
3-33 examination administered under this section.  
3-34 (g) A person's license under this section expires on the  
3-35 first birthday of the person occurring after the second anniversary  
3-36 of the date the commission licenses the person. A renewed school  
3-37 marshal license expires on the person's birth date, two years after  
3-38 the expiration of the previous license.  
3-39 (h) A person may renew the school marshal license under this  
3-40 section by:  
3-41 (1) successfully completing a renewal course designed  
3-42 and administered by the commission, which such license renewal  
3-43 training will not exceed 16 hours combined of classroom and  
3-44 simulation training;  
3-45 (2) demonstrating appropriate knowledge on an  
3-46 examination designed and administered by the commission;  
3-47 (3) demonstrating handgun proficiency to the  
3-48 satisfaction of the commission staff; and  
3-49 (4) demonstrating psychological fitness on the  
3-50 examination described in Subsection (d).  
3-51 (i) The commission shall revoke a person's school marshal  
3-52 license if the commission is notified by the Department of Public  
3-53 Safety that the person's license to carry a concealed handgun  
3-54 issued under Subchapter H, Chapter 411, Government Code, has been  
3-55 suspended or revoked. A person whose school marshal license is  
3-56 revoked may obtain recertification by:  
3-57 (1) furnishing proof to the commission that the  
3-58 person's concealed handgun license has been reinstated; and  
3-59 (2) completing the initial training under Subsection  
3-60 (c) to the satisfaction of the commission staff, paying the fee for  
3-61 the training, and demonstrating psychological fitness on the  
3-62 psychological examination described in Subsection (d).  
3-63 (j) The commission shall submit the identifying information  
3-64 collected under Subsection (b) for each person licensed by the  
3-65 commission under this section to:  
3-66 (1) the director of the Department of Public Safety;  
3-67 (2) the person's employer, if the person is employed by  
3-68 a school district or open-enrollment charter school;  
3-69 (3) the chief law enforcement officer of the local

4-1 municipal law enforcement agency if the person is employed at a  
4-2 campus of a school district or open-enrollment charter school  
4-3 located within a municipality;

4-4 (4) the sheriff of the county if the person is employed  
4-5 at a campus of a school district or open-enrollment charter school  
4-6 that is not located within a municipality; and

4-7 (5) the chief administrator of any peace officer  
4-8 commissioned under Section 37.081, Education Code, if the person is  
4-9 employed at a school district that has commissioned a peace officer  
4-10 under that section.

4-11 (k) The commission shall immediately report the expiration  
4-12 or revocation of a school marshal license to the persons listed in  
4-13 Subsection (j).

4-14 (l) Identifying information about a person collected or  
4-15 submitted under this section is confidential, except as provided by  
4-16 Subsection (j), and is not subject to disclosure under Chapter 552,  
4-17 Government Code.

4-18 SECTION 6. Section 1701.001, Occupations Code, is amended  
4-19 to read as follows:

4-20 Sec. 1701.001. DEFINITIONS. In this chapter:

4-21 (1) "Commission" means the Commission on Law  
4-22 Enforcement Officer Standards and Education.

4-23 (2) "County jailer" means a person employed as a  
4-24 county jail guard under Section 85.005, Local Government Code.

4-25 (3) "Officer" means a peace officer or reserve law  
4-26 enforcement officer.

4-27 (4) "Peace officer" means a person elected, employed,  
4-28 or appointed as a peace officer under Article 2.12, Code of Criminal  
4-29 Procedure, or other law.

4-30 (5) "Public security officer" means a person employed  
4-31 or appointed as an armed security officer by this state or a  
4-32 political subdivision of this state. The term does not include a  
4-33 security officer employed by a private security company that  
4-34 contracts with this state or a political subdivision of this state  
4-35 to provide security services for the entity.

4-36 (6) "Reserve law enforcement officer" means a person  
4-37 designated as a reserve law enforcement officer under Section  
4-38 85.004, 86.012, or 341.012, Local Government Code, or Section  
4-39 60.0775, Water Code.

4-40 (7) "Telecommunicator" means a person acknowledged by  
4-41 the commission and employed by or serving a law enforcement agency  
4-42 that performs law enforcement services on a 24-hour basis who  
4-43 receives, processes, and transmits public safety information and  
4-44 criminal justice data for the agency by using a base radio station  
4-45 on a public safety frequency regulated by the Federal  
4-46 Communications Commission or by another method of communication.

4-47 (8) "School marshal" means a person employed and  
4-48 appointed by the board of trustees of a school district or the  
4-49 governing body of an open-enrollment charter school under Article  
4-50 2.127, Code of Criminal Procedure, and in accordance with and  
4-51 having the rights provided by Section 37.0811, Education Code.

4-52 SECTION 7. Section 1701.301, Occupations Code, is amended  
4-53 to read as follows:

4-54 Sec. 1701.301. LICENSE REQUIRED. Except as provided by  
4-55 Sections 1701.310 and 1701.311, a person may not appoint a person to  
4-56 serve as an officer, county jailer, school marshal, or public  
4-57 security officer unless the person appointed holds an appropriate  
4-58 license issued by the commission.

4-59 SECTION 8. The Commission on Law Enforcement Officer  
4-60 Standards and Education shall establish a school marshal training  
4-61 program as required by Section 1701.260, Occupations Code, as added  
4-62 by this Act, not later than January 1, 2014.

4-63 SECTION 9. This Act takes effect immediately if it receives  
4-64 a vote of two-thirds of all the members elected to each house, as  
4-65 provided by Section 39, Article III, Texas Constitution. If this  
4-66 Act does not receive the vote necessary for immediate effect, this  
4-67 Act takes effect September 1, 2013.

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