

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 14, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1009** by Villalba (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.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1009, As Engrossed: an impact of \$0 through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>Law Officer Stds &amp; Ed Ac</i> 116	Probable Revenue Gain from <i>Appropriated Receipts</i> 666	Change in Number of State Employees from FY 2013
2014	(\$93,413)	\$140,000	2.0
2015	(\$93,413)	\$140,000	2.0
2016	(\$93,413)	\$140,000	2.0
2017	(\$93,413)	\$140,000	2.0
2018	(\$93,413)	\$140,000	2.0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to establish the law enforcement officer category of school marshal. A school marshal would not be entitled to state benefits provided to

peace officers. To serve as a school marshal, a person would have to be licensed by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

The bill would amend the Education Code to specify a school district or charter school may appoint one person certified as eligible by TCLEOSE as a school marshal for every 400 students in average daily attendance. An appointed school marshal could carry or possess a handgun on the physical premises of a school only in accordance with district or charter school written regulations and at the school specified by the district or charter school.

The bill would amend the Occupations Code to add a school marshal as one of the occupations required to have a license issued by TCLEOSE. The bill would require TCLEOSE to establish and maintain a school marshal training program open to any school employee who held a license to carry a concealed handgun by January 1, 2014. A trainee school marshal could be licensed by TCLEOSE only if the trainee passed a psychological exam. TCLEOSE would be required to charge fees to cover the associated costs.

### **Methodology**

TCLEOSE estimates this bill would generate \$140,000 per fiscal year in revenues for the agency (Appropriated Receipts). This estimate assumes an annual pool of 4,000 potential school marshals seeking TCLEOSE certification at a fee cost of \$35 per certification, generating an estimated revenue of \$140,000 per fiscal year.

TCLEOSE estimates implementing the provisions of the bill would require two FTEs per fiscal year at a total cost of \$93,413 per fiscal year (\$36,000 in salary per FTE, plus \$10,706 in associated benefits per FTE).

It is assumed the costs associated with implementing the provisions of the bill for state agencies other than TCLEOSE could be absorbed within current appropriation levels.

### **Technology**

The bill would have no significant effect on state agency technology costs.

### **Local Government Impact**

A school district or open-enrollment charter school could retain a licensed person to act as a school marshal. Costs of fees for training and salary are not anticipated to be significant, and it is assumed that a school would only choose to hire a school marshal if sufficient funds were available.

**Source Agencies:** 701 Central Education Agency, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

**LBB Staff:** UP, JBi, ESi, AI, JAW, KKR, AH