

By: Flynn

H.B. No. 868

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for and civil liability of an educator who uses force or deadly force to protect the educator's person, students of the school, or property of the school, and suspension of a student who assaults an employee of a school.

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

SECTION 1. Subtitle G, Title 2, Education Code, is amended by adding Chapter 38A to read as follows:

CHAPTER 38A. TEACHER'S PROTECTION ACT

Sec. 38A.001. SHORT TITLE. This chapter may be cited as the Teacher's Protection Act.

Sec. 38A.002. EDUCATOR'S DEFENSE OF SELF OR STUDENTS. (a) An educator is justified in using force or deadly force on school property, on a school bus, or at a school-sponsored event in defense of the educator's person or in defense of students of the school that employs the educator if, under the circumstances as the educator reasonably believes them to be, the educator would be justified under Section 9.31, 9.32, or 9.33, Penal Code, in using force or deadly force, as applicable, in defense of the educator or students.

(b) It is a defense to prosecution for an offense committed by an educator only in the course of defending the educator's person or students of the school that employs the educator that the conduct is justified in the manner described by Subsection (a).

1 Sec. 38A.003. EDUCATOR'S DEFENSE OF SCHOOL PROPERTY. (a)

2 An educator is justified in using force or deadly force on school
3 property, on a school bus, or at a school-sponsored event in defense
4 of property of the school that employs the educator if, under the
5 circumstances as the educator reasonably believes them to be, the
6 educator would be justified under Section 9.43, Penal Code, in
7 using force or deadly force, as applicable, in defense of property
8 of the school that employs the educator.

9 (b) It is a defense to prosecution for an offense committed
10 by an educator only in the course of defending property of the
11 school that employs the educator that the conduct is justified in
12 the manner described by Subsection (a).

13 Sec. 38A.004. NONEXCLUSIVITY. This chapter does not prevent
14 an educator who is a defendant in a criminal prosecution from
15 offering as a defense to prosecution any justification provided
16 under Chapter 9, Penal Code.

17 Sec. 38A.005. CIVIL IMMUNITY. An educator who uses force or
18 deadly force that is justified in the manner provided under Chapter
19 9, Penal Code, as described by this chapter, is entitled to the
20 civil immunity provided by Section 83.001, Civil Practice and
21 Remedies Code, for injury or death that results from the educator's
22 use of force or deadly force, as applicable.

23 Sec. 38A.006. SUSPENSION. A principal or other appropriate
24 administrator may suspend a student under Section 37.005 who
25 engages in conduct that contains the elements of the offense of
26 assault under Section 22.01, Penal Code, against an employee of the
27 school, regardless of whether that conduct is identified in the

1 student code of conduct as conduct for which a student may be
2 suspended.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2015.