

By: Villalba

H.B. No. 917

Substitute the following for H.B. No. 917:

By: Aycock

C.S.H.B. No. 917

A BILL TO BE ENTITLED

AN ACT

relating to school marshals for private schools, notifying a parent or guardian whether an employee of a public or private school is appointed school marshal, and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal.

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

SECTION 1. Article 2.127, Code of Criminal Procedure, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (b), a school marshal may:

(1) make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by:

(A) the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code; or

(B) the governing body of a private school under Section 37.0812, Education Code; [7] and

(2) 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.

1 (a-1) In this section, "private school" means a school that:

2 (1) offers a course of instruction for students in one
3 or more grades from prekindergarten through grade 12;

4 (2) is not operated by a governmental entity; and

5 (3) is not a home school.

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

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

10 (2) appointed by:

11 (A) the board of trustees of a school district or
12 the governing body of an open-enrollment charter school under
13 Section 37.0811, Education Code; or

14 (B) the governing body of a private school under
15 Section 37.0812, Education Code.

16 SECTION 2. The heading to Section 37.0811, Education Code,
17 is amended to read as follows:

18 Sec. 37.0811. SCHOOL MARSHALS: PUBLIC SCHOOLS.

19 SECTION 3. Section 37.0811, Education Code, is amended by
20 adding Subsection (h) to read as follows:

21 (h) If a parent or guardian of a student enrolled at a school
22 inquires in writing, the school district or open-enrollment charter
23 school shall provide the parent or guardian written notice
24 indicating whether any employee of the school is currently
25 appointed a school marshal. The notice may not disclose information
26 that is confidential under Subsection (g).

27 SECTION 4. Subchapter C, Chapter 37, Education Code, is

1 amended by adding Section 37.0812 to read as follows:

2 Sec. 37.0812. SCHOOL MARSHALS: PRIVATE SCHOOLS. (a) The
3 governing body of a private school may appoint not more than one
4 school marshal per 400 students enrolled in the school.

5 (b) The governing body of a private school may select for
6 appointment as a school marshal under this section an applicant who
7 is an employee of the school and certified as eligible for
8 appointment under Section 1701.260, Occupations Code.

9 (c) A school marshal appointed by the governing body of a
10 private school may carry or possess a handgun on the physical
11 premises of a school, but only in the manner provided by written
12 regulations adopted by the governing body.

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

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

1 (f) A private school employee's status as a school marshal
2 becomes inactive on:

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

5 (2) suspension or revocation of the employee's license
6 to carry a concealed handgun issued under Subchapter H, Chapter
7 411, Government Code;

8 (3) termination of the employee's employment with the
9 private school; or

10 (4) notice from the governing body that the employee's
11 services as school marshal are no longer required.

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

16 (h) If a parent or guardian of a student enrolled at a
17 private school inquires in writing, the school shall provide the
18 parent or guardian written notice indicating whether any employee
19 of the school is currently appointed a school marshal. The notice
20 may not disclose information that is confidential under Subsection
21 (g).

22 (i) This section does not apply to a home school.

23 SECTION 5. Section 1701.001(8), Occupations Code, is
24 amended to read as follows:

25 (8) "School marshal" means a person who:
26 (A) is employed and appointed to serve as a
27 school marshal by:

1 (i) the board of trustees of a school
2 district or the governing body of an open-enrollment charter school
3 under [~~Article 2.127, Code of Criminal Procedure, and in accordance~~
4 ~~with and having the rights provided by~~] Section 37.0811, Education
5 Code; or

6 (ii) the governing body of a private school
7 under Section 37.0812, Education Code;

8 (B) is licensed under Section 1701.260; and

9 (C) has powers and duties described by Article
10 2.127, Code of Criminal Procedure.

11 SECTION 6. Section 1701.260, Occupations Code, is amended
12 by amending Subsections (a), (j), and (l) and adding Subsection
13 (a-1) to read as follows:

14 (a) The commission shall establish and maintain a training
15 program open to any employee of a school district, ~~[or]~~
16 open-enrollment charter school, or private school who holds a
17 license to carry a concealed handgun issued under Subchapter H,
18 Chapter 411, Government Code. The training may be conducted only by
19 the commission staff or a provider approved by the commission.

20 (a-1) In this section, "private school" has the meaning
21 assigned by Article 2.127, Code of Criminal Procedure.

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

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

26 (2) the person's employer, if the person is employed by
27 a school district, ~~[or]~~ open-enrollment charter school, or private

1 school;

2 (3) the chief law enforcement officer of the local
3 municipal law enforcement agency if the person is employed at a
4 campus of a school district, ~~[or]~~ open-enrollment charter school,
5 or private school located within a municipality;

6 (4) the sheriff of the county if the person is employed
7 at a campus of a school district, ~~[or]~~ open-enrollment charter
8 school, or private school that is not located within a
9 municipality; and

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

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

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