

By: Taylor of Collin

S.B. No. 301

A BILL TO BE ENTITLED

AN ACT

relating to school marshals for private schools.

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.

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

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

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

(3) is not a home school.

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

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

5 (2) appointed by:

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

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

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

13 Sec. 37.0811. SCHOOL MARSHALS: PUBLIC SCHOOLS.

14 SECTION 3. Subchapter C, Chapter 37, Education Code, is
15 amended by adding Section 37.0812 to read as follows:

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

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

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

27 (d) Any written regulations adopted for purposes of

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

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

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

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

19 (2) suspension or revocation of the employee's license
20 to carry a concealed handgun issued under Subchapter H, Chapter
21 411, Government Code;

22 (3) termination of the employee's employment with the
23 private school; or

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

26 (g) The identity of a school marshal appointed under this
27 section is confidential, except as provided by Section 1701.260(j),

1 Occupations Code, and is not subject to a request under Chapter 552,
2 Government Code.

3 (h) If a parent or guardian of a student enrolled at a
4 private school inquires in writing, the school shall provide the
5 parent or guardian written notice indicating whether any employee
6 of the school is currently appointed a school marshal. The notice
7 may not disclose information that is confidential under Subsection
8 (g).

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

10 SECTION 4. Section 1701.001(8), Occupations Code, is
11 amended to read as follows:

12 (8) "School marshal" means a person who:

13 (A) is [employed and] appointed to serve as a
14 school marshal by:

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

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

22 (B) is licensed under Section 1701.260; and

23 (C) has powers and duties described by Article
24 2.127, Code of Criminal Procedure.

25 SECTION 5. Section 1701.260, Occupations Code, is amended
26 by amending Subsections (a), (j), and (l) and adding Subsection
27 (a-1) to read as follows:

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

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

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

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

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

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

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

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

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

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