

By: Taylor of Collin
Bettencourt

S.B. No. 386

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of school marshals by public junior colleges.

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

SECTION 1. Articles 2.127(a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (b), a school marshal may make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by the board of trustees of a school district, ~~or~~ the governing body of an open-enrollment charter school, or the governing board of a public junior college under Section 37.0811, Education Code, and 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.

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

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

(2) appointed by the board of trustees of a school district, ~~or~~ the governing body of an open-enrollment charter school, or the governing board of a public junior college under Section 37.0811, Education Code.

SECTION 2. Sections 37.0811(a), (b), (c), and (f),

1 Education Code, are amended to read as follows:

2 (a) The board of trustees of a school district, ~~or~~ the
3 governing body of an open-enrollment charter school, or the
4 governing board of a public junior college may appoint not more than
5 one school marshal per 400 students in average daily attendance per
6 campus.

7 (b) The board of trustees of a school district, ~~or~~ the
8 governing body of an open-enrollment charter school, or the
9 governing board of a public junior college may select for
10 appointment as a school marshal under this section an applicant who
11 is an employee of the school district, ~~or~~ open-enrollment charter
12 school, or public junior college and certified as eligible for
13 appointment under Section 1701.260, Occupations Code. The board of
14 trustees, ~~or~~ governing body, or governing board may, but shall
15 not be required to, reimburse the amount paid by the applicant to
16 participate in the training program under that section.

17 (c) A school marshal appointed by the board of trustees of a
18 school district, ~~or~~ the governing body of an open-enrollment
19 charter school, or the governing board of a public junior college
20 may carry or possess a handgun on the physical premises of a school,
21 but only:

22 (1) in the manner provided by written regulations
23 adopted by the board of trustees, ~~or~~ the governing body, or the
24 governing board; and

25 (2) at a specific school as specified by the board of
26 trustees, ~~or~~ governing body, or governing board, as applicable.

27 (f) A school district, ~~or~~ charter school, or public junior

1 college employee's status as a school marshal becomes inactive on:

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

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

7 (3) termination of the employee's employment with the
8 district, ~~[or]~~ charter school, or public junior college; or

9 (4) notice from the board of trustees of the district,
10 ~~[or]~~ the governing body of the charter school, or the governing
11 board of the public junior college that the employee's services as
12 school marshal are no longer required.

13 SECTION 3. Sections 1701.260(a) and (j), Occupations Code,
14 are amended to read as follows:

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

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

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

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

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

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

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

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

15 (8) "School marshal" means a person employed and
16 appointed by the board of trustees of a school district, ~~or~~ the
17 governing body of an open-enrollment charter school, or the
18 governing board of a public junior college under Article 2.127,
19 Code of Criminal Procedure, and in accordance with and having the
20 rights provided by Section 37.0811, Education Code.

21 SECTION 5. This Act takes effect September 1, 2015.