

By: Taylor of Collin, et al.
(Villalba)

S.B. No. 386

Substitute the following for S.B. No. 386:

By: Morrison

C.S.S.B. No. 386

A BILL TO BE ENTITLED

AN ACT

1
2 relating to school marshals for public junior colleges, notifying a
3 parent or guardian whether an employee of a public junior college is
4 appointed school marshal, and the confidentiality of information
5 submitted to or collected by the Texas Commission on Law
6 Enforcement in connection with a certification for appointment as
7 school marshal.

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

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

11 (a) Except as provided by Subsection (b), a school marshal
12 may make arrests and exercise all authority given peace officers
13 under this code, subject to written regulations adopted by the
14 board of trustees of a school district or the governing body of an
15 open-enrollment charter school under Section 37.0811, Education
16 Code, or the governing board of a public junior college under
17 Section 51.220, Education Code, and only act as necessary to
18 prevent or abate the commission of an offense that threatens
19 serious bodily injury or death of students, faculty, or visitors on
20 school premises.

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

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

1 (2) appointed by the board of trustees of a school
2 district or the governing body of an open-enrollment charter school
3 under Section 37.0811, Education Code, or the governing board of a
4 public junior college under Section 51.220, Education Code.

5 SECTION 2. Subchapter E, Chapter 51, Education Code, is
6 amended by adding Section 51.220 to read as follows:

7 Sec. 51.220. PUBLIC JUNIOR COLLEGE SCHOOL MARSHALS. (a) In
8 this section, "public junior college" has the meaning assigned by
9 Section 61.003.

10 (b) The governing board of a public junior college may
11 appoint one or more school marshals.

12 (c) The governing board of a public junior college may
13 select for appointment as a school marshal under this section an
14 applicant who is an employee of the public junior college and
15 certified as eligible for appointment under Section 1701.260,
16 Occupations Code. The governing board may, but shall not be
17 required to, reimburse the amount paid by the applicant to
18 participate in the training program under that section.

19 (d) A school marshal appointed by the governing board of a
20 public junior college may carry or possess a handgun on the physical
21 premises of a public junior college campus, but only:

22 (1) in the manner provided by written regulations
23 adopted by the governing board; and

24 (2) at a specific public junior college campus as
25 specified by the governing board.

26 (e) Any written regulations adopted for purposes of
27 Subsection (d) must provide that a school marshal may carry a

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

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

14 (g) A public junior college employee's status as a school
15 marshal becomes inactive on:

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

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

21 (3) termination of the employee's employment with the
22 public junior college; or

23 (4) notice from the governing board of the public
24 junior college that the employee's services as school marshal are
25 no longer required.

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

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

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

17 (j) The commission shall submit the identifying information
18 collected under Subsection (b) for each person licensed by the
19 commission under this section to:

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

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

24 (3) the chief law enforcement officer of the local
25 municipal law enforcement agency if the person is employed at a
26 campus of a school district, ~~[or]~~ open-enrollment charter school,
27 or public junior college located within a municipality;

1 (4) the sheriff of the county if the person is employed
2 at a campus of a school district, ~~[or]~~ open-enrollment charter
3 school, or public junior college that is not located within a
4 municipality; and

5 (5) the chief administrator of any peace officer
6 commissioned under Section 37.081 or 51.203, Education Code, if the
7 person is employed at a school district or public junior college
8 that has commissioned a peace officer under either ~~[that]~~ section.

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

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 or 51.220, Education Code.

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