

By: Estes

S.B. No. 647

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an open-enrollment charter school to commission peace officers.

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

SECTION 1. Section 37.081, Education Code, is amended to read as follows:

Sec. 37.081. SCHOOL [~~DISTRICT~~] PEACE OFFICERS AND SECURITY PERSONNEL. (a) The board of trustees of any school district and the governing body of any open-enrollment charter school may employ security personnel and may commission peace officers to carry out this subchapter. If a board of trustees or governing body authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. The jurisdiction of a peace officer or security personnel under this section shall be determined by the board of trustees or governing body and may include:

(1) for a school district, all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel; or

(2) for an open-enrollment charter school, all territory in the boundaries of the school district in which the open-enrollment charter school is located and all property outside the boundaries of the district that is owned, leased, or rented by

1 or otherwise under the control of the governing body of the
2 open-enrollment charter school that employs the peace officer or
3 security personnel.

4 (b) In a peace officer's jurisdiction, a peace officer
5 commissioned under this section:

6 (1) has the powers, privileges, and immunities of
7 peace officers;

8 (2) may enforce all laws, including municipal
9 ordinances, county ordinances, and state laws;

10 (3) may, in accordance with Chapter 52, Family Code,
11 or Article 45.058, Code of Criminal Procedure, take a child into
12 custody; and

13 (4) may dispose of cases in accordance with Section
14 52.03 or 52.031, Family Code.

15 (c) A school [~~district~~] peace officer may provide
16 assistance to another law enforcement agency. A school district or
17 open-enrollment charter school may contract with a political
18 subdivision for the jurisdiction of a school [~~district~~] peace
19 officer to include all territory in the jurisdiction of the
20 political subdivision.

21 (d) A school [~~district~~] peace officer shall perform law
22 enforcement duties for the school district or open-enrollment
23 charter school as determined by the board of trustees of the school
24 district or governing body of the open-enrollment charter school.

25 Those duties must include protecting:

26 (1) the safety and welfare of any person in the
27 jurisdiction of the peace officer; and

28 (2) the property of the school district or

1 open-enrollment charter school.

2 (e) The board of trustees of the school district or the
3 governing body of the open-enrollment charter school shall
4 determine the scope of the on-duty and off-duty law enforcement
5 activities of school [~~district~~] peace officers. A school district
6 or open-enrollment charter school must authorize in writing any
7 off-duty law enforcement activities performed by a school
8 [~~district~~] peace officer.

9 (f) The chief of police of the school district police
10 department shall be accountable to the superintendent and shall
11 report to the superintendent. School district police officers
12 shall be supervised by the chief of police of the school district or
13 the chief of police's designee and shall be licensed by the Texas
14 Commission on Law Enforcement.

15 (f-1) Open-enrollment charter school police officers shall
16 be licensed by the Texas Commission on Law Enforcement.

17 (g) A school district police department or open-enrollment
18 charter school police department and the law enforcement agencies
19 with which it has overlapping jurisdiction shall enter into a
20 memorandum of understanding that outlines reasonable communication
21 and coordination efforts between the department and the agencies.

22 (h) A peace officer assigned to duty and commissioned under
23 this section shall take and file the oath required of peace officers
24 and shall execute and file a bond in the sum of \$1,000, payable to
25 the board of trustees of the school district or governing body of
26 the open-enrollment charter school, with two or more sureties,
27 conditioned that the peace officer will fairly, impartially, and
28 faithfully perform all the duties that may be required of the peace

1 officer by law. The bond may be sued on in the name of any person
2 injured until the whole amount of the bond is recovered. Any peace
3 officer commissioned under this section must meet all minimum
4 standards for peace officers established by the Texas Commission on
5 Law Enforcement.

6 (i) In this section:

7 (1) "Governing body of an open-enrollment charter
8 school" means the board of directors, board of trustees, or other
9 governing body of an open-enrollment charter school. The term
10 includes the governing body of a charter holder if that body acts as
11 the governing body of the open-enrollment charter school.

12 (2) "School peace officer" means a peace officer
13 commissioned by a school district or open-enrollment charter school
14 under this section.

15 SECTION 2. Section 52.01(a), Family Code, is amended to
16 read as follows:

17 (a) A child may be taken into custody:

18 (1) pursuant to an order of the juvenile court under
19 the provisions of this subtitle;

20 (2) pursuant to the laws of arrest;

21 (3) by a law-enforcement officer, including a school
22 [~~district~~] peace officer commissioned under Section 37.081,
23 Education Code, if there is probable cause to believe that the child
24 has engaged in:

25 (A) conduct that violates a penal law of this
26 state or a penal ordinance of any political subdivision of this
27 state;

28 (B) delinquent conduct or conduct indicating a

1 need for supervision; or

2 (C) conduct that violates a condition of
3 probation imposed by the juvenile court;

4 (4) by a probation officer if there is probable cause
5 to believe that the child has violated a condition of probation
6 imposed by the juvenile court;

7 (5) pursuant to a directive to apprehend issued as
8 provided by Section 52.015; or

9 (6) by a probation officer if there is probable cause
10 to believe that the child has violated a condition of release
11 imposed by the juvenile court or referee under Section 54.01.

12 SECTION 3. Section 1701.260(j), Occupations Code, is
13 amended to read as follows:

14 (j) The commission shall submit the identifying information
15 collected under Subsection (b) for each person licensed by the
16 commission under this section to:

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

18 (2) the person's employer, if the person is employed by
19 a school district or open-enrollment charter school;

20 (3) the chief law enforcement officer of the local
21 municipal law enforcement agency if the person is employed at a
22 campus of a school district or open-enrollment charter school
23 located within a municipality;

24 (4) the sheriff of the county if the person is employed
25 at a campus of a school district or open-enrollment charter school
26 that is not located within a municipality; and

27 (5) the chief administrator of any peace officer
28 commissioned under Section 37.081, Education Code, if the person is

1 employed at a school district or open-enrollment charter school
2 that has commissioned a peace officer under that section.

3 SECTION 4. This Act takes effect September 1, 2015.