

BILL ANALYSIS

H.B. 3946
By: Hefner
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In light of recent school shootings in Texas and around the country, there have been calls for the state to do more to ensure that public school districts, open-enrollment charter schools, and private schools are best able to protect their students. It has been noted that liability is a concern for these districts and schools as they contemplate school safety programs and is a possible deterrent to their adoption. H.B. 3946 seeks to address those concerns by providing liability protections for districts, schools, and school security personnel.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3946 amends the Education Code to grant a public school district, open-enrollment charter school, or private school immunity from liability for any damages resulting from any reasonable action taken by applicable security personnel to maintain the safety of the school campus, including action relating to possession or use of a firearm. The bill extends that immunity to the security personnel employed by the district or school. The bill grants a district, charter school, or private school immunity from liability for any damages resulting from any reasonable action taken by a district or school employee who has written permission from the district board of trustees or school governing body to carry a firearm on campus. The bill establishes that the immunity provided by these provisions is in addition to and does not preempt the common law doctrine of official and governmental immunity and that, to the extent that another statute provides greater immunity to a district, charter school, or private school, that statute prevails. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.