

BILL ANALYSIS

Senate Research Center
86R965 GCB-D

S.B. 406
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Education
3/4/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local school districts know best how to protect their students, faculty, and staff. The school marshal plan adopted by many districts allow for trained, authorized individuals to conceal carry on the campuses of that district. These same school districts should also have the authority and autonomy to decide how those individuals must store or carry their concealed handguns while acting as marshal. However, current statute requires school marshals to store their concealed firearm in a locked and secured safe at all times and not on the marshal's person.

This bill empowers school districts to create effective school safety plans that prioritize the unique needs and physical layout of their individual districts and campuses by eliminating the requirement to store the marshal's handgun in a locked and secure safe. The board of trustees of a school district or the governing body of an open enrollment charter school will decide whether their school marshals can carry their concealed handgun on their person or store their handgun in a secure location. Current law governing the school marshal program applies to public schools, open enrollment charter schools, private schools and junior colleges. This legislation does not expand the school marshal program, but allows these educational organizations to make storage and carrying determinations for their school marshals based on their specific needs.

As proposed, S.B. 406 amends current law relating to the carrying or storage of a handgun by a school marshal.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 37.0811(c), (d), and (e), Education Code, as follows:

(c) Authorizes a school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school to carry a concealed handgun or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the board of trustees or the governing body, and at a specific school as specified by the board of trustees or governing body, as applicable.

(d) Requires any written regulations adopted for purposes of Subsection (c) to provide that a school marshal is authorized to carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location. Deletes existing text prohibiting a school marshal from carrying a concealed handgun if the primary duty of the school marshal involves regular, direct contact with students. Deletes existing text requiring a safe to be within the marshal's immediate reach when conducting the marshal's primary duty. Requires the written regulations to also require that a handgun carried or possessed by, rather than carried or possessed or within access of, a school marshal is authorized to be

loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement (TCOLE).

(e) Authorizes a school marshal to use, rather than access, a handgun the school marshal is authorized to carry or possess under this section only under circumstances that justify the use of deadly force under Section 9.32 (Deadly Force in Defense of Person) or 9.33 (Defense of Third Person), Penal Code.

SECTION 2. Amends Sections 37.0813(c), (d), and (e), Education Code, as follows:

(c) Authorizes a school marshal appointed by the governing body of a private school to carry a concealed handgun or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the governing body.

(d) Requires any written regulations adopted for purposes of Subsection (c) to provide that a school marshal is authorized to carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location. Deletes existing text prohibiting a school marshal to carry a concealed handgun if the primary duty of the school marshal involves regular, direct contact with students in a classroom setting. Deletes existing text requiring a safe to be within the marshal's immediate reach when conducting the marshal's primary duty. Requires the written regulations to also require that a handgun carried or possessed by, rather than carried or possessed by or within access of, a school marshal is authorized to be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

(e) Authorizes a school marshal to use, rather than access, a handgun the school marshal is authorized to carry or possess under this section only under circumstances that justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 3. Amends Sections 51.220(d), (e), and (f), Education Code, as follows:

(d) Authorizes a school marshal appointed by the governing board of a public junior college to carry a concealed handgun or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the board of trustees or the governing board, and at a specific public junior college campus as specified by the governing board.

(e) Requires any written regulations adopted for purposes of Subsection (d) to provide that a school marshal is authorized to carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a public junior college campus in a locked and secured safe or other locked and secured location. Deletes existing text prohibiting a school marshal from carrying a concealed handgun if the primary duty of the school marshal involves regular, direct contact with students. Deletes existing text requiring a safe to be within the marshal's immediate reach when conducting the marshal's primary duty. Requires the written regulations to also require that a handgun carried or possessed by a school marshal is authorized to be loaded only with frangible duty, rather than carried or possessed by or within access of, ammunition approved for that purpose by TCOLE.

(f) Authorizes a school marshal to use, rather than access, a handgun the school marshal is authorized to carry or possess under this section only under circumstances that justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 4. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.