

By: Flynn

H.B. No. 414

Substitute the following for H.B. No. 414:

By: Meyer

C.S.H.B. No. 414

A BILL TO BE ENTITLED

AN ACT

relating to the civil liability of an educator justified in using force in certain circumstances, suspension of a student who assaults an employee of a school, and protection of an educator's employment in certain situations.

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

SECTION 1. Subtitle G, Title 2, Education Code, is amended by adding Chapter 38A to read as follows:

CHAPTER 38A. TEACHER'S PROTECTION ACT

Sec. 38A.001. SHORT TITLE. This chapter may be cited as the Teacher's Protection Act.

Sec. 38A.002. CIVIL IMMUNITY. An educator who uses force that is justified in the manner provided by Chapter 9, Penal Code, is entitled to civil immunity under Section 83.001, Civil Practice and Remedies Code, for injury or death that results from the educator's use of force or deadly force, as applicable.

Sec. 38A.003. SUSPENSION. A principal or other appropriate administrator may suspend a student under Section 37.005 who engages in conduct that contains the elements of the offense of assault under Section 22.01, Penal Code, against an employee of the school, regardless of whether that conduct is identified in the student code of conduct as conduct for which a student may be suspended.

Sec. 38A.004. EMPLOYMENT PROTECTION. An educator who uses

1 force that is justified in the manner provided by Chapter 9, Penal
2 Code, may not be suspended or terminated from employment or subject
3 to other disciplinary action solely as a result of the educator's
4 justified use of force.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2019.