

By: Flynn

H.B. No. 414

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for and the civil liability of an educator who uses force to protect the educator's person, students of the school, or property of the school and the suspension of a student who assaults an employee of a school.

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. EDUCATOR'S DEFENSE OF SELF OR STUDENTS. (a) An educator is justified in using force on school property, on a school bus, or at a school-sponsored event in defense of the educator's person or in defense of students of the school that employs the educator if, under the circumstances as the educator reasonably believes them to be, the educator would be justified under Subchapter C, Chapter 9, Penal Code, in the use of that force.

(b) It is a defense to prosecution for an offense committed by an educator only in the course of defending the educator's person or students of the school that employs the educator that the conduct is justified in the manner described by Subsection (a).

Sec. 38A.003. EDUCATOR'S DEFENSE OF SCHOOL PROPERTY. (a) An educator is justified in using force on school property, on a

1 school bus, or at a school-sponsored event in defense of property of  
2 the school that employs the educator if, under the circumstances as  
3 the educator reasonably believes them to be, the educator would be  
4 justified under Subchapter D, Chapter 9, Penal Code, in the use of  
5 that force.

6 (b) It is a defense to prosecution for an offense committed  
7 by an educator only in the course of defending property of the  
8 school that employs the educator that the conduct is justified in  
9 the manner described by Subsection (a).

10 Sec. 38A.004. NONEXCLUSIVITY. This chapter does not prevent  
11 an educator who is a defendant in a criminal prosecution from  
12 offering as a defense to prosecution any justification provided  
13 under Chapter 9, Penal Code.

14 Sec. 38A.005. CIVIL IMMUNITY. An educator who uses force  
15 that is justified in the manner provided by Chapter 9, Penal Code,  
16 as described by this chapter, is entitled to civil immunity under  
17 Section 83.001, Civil Practice and Remedies Code.

18 Sec. 38A.006. SUSPENSION. A principal or other appropriate  
19 administrator may suspend a student under Section 37.005 who  
20 engages in conduct that contains the elements of the offense of  
21 assault under Section 22.01, Penal Code, against an employee of the  
22 school, regardless of whether that conduct is identified in the  
23 student code of conduct as conduct for which a student may be  
24 suspended.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2019.