

By: Allen

H.B. No. 3470

A BILL TO BE ENTITLED

AN ACT

relating to the duties of school district peace officers, school resource officers, and security personnel.

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

SECTION 1. Section 30.052(1), Education Code, is amended to read as follows:

(1) The governing board of the Texas School for the Deaf may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and ~~may~~ commission peace officers in the same manner as a board of trustees of a school district under Section 37.081.

SECTION 2. The heading to Section 37.081, Education Code, is amended to read as follows:

Sec. 37.081. SCHOOL DISTRICT PEACE OFFICERS, SCHOOL RESOURCE OFFICERS, AND SECURITY PERSONNEL.

SECTION 3. Section 37.081, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(a) The board of trustees of any school district may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and ~~may~~ commission peace officers to carry out this subchapter. If a board of trustees authorizes a person employed as

1 security personnel to carry a weapon, the person must be a
2 commissioned peace officer. The jurisdiction of a peace officer, a
3 school resource officer, or security personnel under this section
4 shall be determined by the board of trustees and may include all
5 territory in the boundaries of the school district and all property
6 outside the boundaries of the district that is owned, leased, or
7 rented by or otherwise under the control of the school district and
8 the board of trustees that employ the peace officer or security
9 personnel or that enter into a memorandum of understanding for the
10 provision of a school resource officer.

11 (d) The [~~A school district peace officer shall perform law~~
12 ~~enforcement duties for the school district as determined by the~~]
13 board of trustees of the school district shall determine the law
14 enforcement duties of peace officers, school resource officers, and
15 security personnel. The duties must be included in:

16 (1) the district improvement plan under Section
17 11.252;

18 (2) the student code of conduct adopted under Section
19 37.001;

20 (3) any memorandum of understanding providing for a
21 school resource officer; and

22 (4) any other campus or district document describing
23 the role of peace officers, school resource officers, or security
24 personnel in the district.

25 (d-1) A school district peace officer, a school resource
26 officer, and security personnel shall perform law enforcement
27 duties for the school district that [~~Those duties~~] must include

1 protecting:

2 (1) the safety and welfare of any person in the
3 jurisdiction of the peace officer, resource officer, or security
4 personnel; and

5 (2) the property of the school district.

6 (d-2) A school district may not assign or require as duties
7 of a school district peace officer, a school resource officer, or
8 security personnel:

9 (1) routine student discipline or school
10 administrative tasks; or

11 (2) contact with students unrelated to the law
12 enforcement duties of the peace officer, resource officer, or
13 security personnel.

14 (d-3) In determining the law enforcement duties under
15 Subsection (d), the board of trustees of the school district shall
16 coordinate with district campus behavior coordinators and other
17 district employees to ensure that school district peace officers,
18 school resource officers, and security personnel are tasked only
19 with duties related to law enforcement intervention and not tasked
20 with behavioral or administrative duties better addressed by other
21 district employees.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2019.