

By: Creighton

S.B. No. 243

A BILL TO BE ENTITLED

AN ACT

relating to the carrying or storage of a handgun by a school marshal.

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

SECTION 1. Sections 37.0811(d) and (e), Education Code, are amended to read as follows:

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a ~~[school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a]~~ handgun carried or possessed by ~~[or within access of]~~ a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

(e) A school marshal may use ~~[access]~~ a handgun the school marshal is authorized to carry or possess under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 2. Sections 37.0813(d) and (e), Education Code, are amended to read as follows:

1           (d) Any written regulations adopted for purposes of  
2 Subsection (c) must provide that a [~~school marshal may carry a~~  
3 ~~concealed handgun as described by Subsection (c), except that if~~  
4 ~~the primary duty of the school marshal involves regular, direct~~  
5 ~~contact with students in a classroom setting, the marshal may not~~  
6 ~~carry a concealed handgun but may possess a handgun on the physical~~  
7 ~~premises of a school in a locked and secured safe within the~~  
8 ~~marshal's immediate reach when conducting the marshal's primary~~  
9 ~~duty. The written regulations must also require that a]~~ handgun  
10 carried or possessed by [~~or within access of~~] a school marshal may  
11 be loaded only with frangible duty ammunition approved for that  
12 purpose by the Texas Commission on Law Enforcement.

13           (e) A school marshal may use [~~access~~] a handgun the school  
14 marshal is authorized to carry or possess under this section only  
15 under circumstances that would justify the use of deadly force  
16 under Section 9.32 or 9.33, Penal Code.

17           SECTION 3. This Act applies beginning with the 2019-2020  
18 school year.

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