

By: Birdwell, Bettencourt
West

S.B. No. 406

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(c), (d), and (e), Education Code, are amended to read as follows:

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may carry a concealed handgun or possess a handgun on the physical premises of a school, but only:

(1) in the manner provided by written regulations adopted by the board of trustees or the governing body; and

(2) at a specific school as specified by the board of trustees or governing body, as applicable.

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a school marshal may carry a concealed handgun on the school marshal's person or ~~[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 the ~~[a]~~ handgun on the physical premises of a school in a locked and secured safe or other locked and secured location ~~[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

1 by ~~[or within access of]~~ a school marshal may be loaded only with
2 frangible duty ammunition approved for that purpose by the Texas
3 Commission on Law Enforcement.

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

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

10 (c) A school marshal appointed by the governing body of a
11 private school may carry a concealed handgun or possess a handgun on
12 the physical premises of a school, but only in the manner provided
13 by written regulations adopted by the governing body.

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

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

5 SECTION 3. Sections 51.220(d), (e), and (f), Education
6 Code, are amended to read as follows:

7 (d) A school marshal appointed by the governing board of a
8 public junior college may carry a concealed handgun or possess a
9 handgun on the physical premises of a public junior college campus,
10 but only:

11 (1) in the manner provided by written regulations
12 adopted by the governing board; and

13 (2) at a specific public junior college campus as
14 specified by the governing board.

15 (e) Any written regulations adopted for purposes of
16 Subsection (d) must provide that a school marshal may carry a
17 concealed handgun on the school marshal's person or [~~as described~~
18 ~~by Subsection (d), except that if the primary duty of the school~~
19 ~~marshal involves regular, direct contact with students, the marshal~~
20 ~~may not carry a concealed handgun but may~~] possess the [~~a~~] handgun
21 on the physical premises of a public junior college campus in a
22 locked and secured safe or other locked and secured location
23 [~~within the marshal's immediate reach when conducting the marshal's~~
24 ~~primary duty~~]. The written regulations must also require that a
25 handgun carried or possessed by [~~or within access of~~] a school
26 marshal may be loaded only with frangible duty ammunition approved
27 for that purpose by the Texas Commission on Law Enforcement.

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

5 SECTION 4. This Act applies beginning with the 2019-2020
6 school year.

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