

By: Hughes

S.B. No. 811

A BILL TO BE ENTITLED

AN ACT

relating to immunity from liability of a school district or open-enrollment charter school for certain actions of security personnel.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.088 to read as follows:

Sec. 37.088. IMMUNITY FROM LIABILITY. (a) In this section:

(1) "Retired peace officer" has the meaning assigned by Section 1701.3161, Occupations Code.

(2) "Security personnel" includes:

(A) a school district peace officer;

(B) a school marshal;

(C) a school resource officer; and

(D) a retired peace officer who:

(i) has been hired by a school district or open-enrollment charter school to provide security services; or

(ii) volunteers to provide security services to the district or school.

(b) A school district or open-enrollment charter school is immune from liability for any damages resulting from any reasonable action taken by security personnel to maintain the safety of the school campus, including action relating to possession or use of a firearm.

1 (c) A school district or open-enrollment charter school is
2 immune from liability as provided by Subsection (b) for any damages
3 resulting from any reasonable action taken by a district or school
4 employee who has written permission from the board of trustees of
5 the district or the governing body of the school to carry a firearm
6 on campus.

7 (d) The statutory immunity provided by this section is in
8 addition to and does not preempt the common law doctrine of official
9 and governmental immunity. To the extent that another statute
10 provides greater immunity to a school district or open-enrollment
11 charter school than this section, that statute prevails.

12 SECTION 2. This Act applies beginning with the 2019-2020
13 school year.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.