

By: Miles

S.B. No. 1849

A BILL TO BE ENTITLED

AN ACT

1
2 relating to public school safety measures, access to mental health
3 professionals in public schools and during certain emergencies,
4 access to criminal history and mental health records, and access to
5 firearms; requiring a certificate for employment as a school
6 behavioral counselor; creating a criminal offense; increasing a
7 criminal penalty.

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

9 ARTICLE 1. PUBLIC SCHOOL SAFETY MEASURES

10 SECTION 1.01. Subchapter C, Chapter 7, Education Code, is
11 amended by adding Section 7.068 to read as follows:

12 Sec. 7.068. STUDY OF SAFETY STANDARDS FOR INSTRUCTIONAL
13 FACILITIES. (a) In this section, "instructional facility" has the
14 meaning assigned by Section 46.001.

15 (b) The commissioner shall conduct a study on building
16 standards and security for instructional facilities to ensure that
17 instructional facilities provide a safe and secure environment.
18 The commissioner shall consider methods to improve the security of
19 instructional facilities, including:

20 (1) potential use of metal detectors, deadbolts, or
21 locks for certain doors;

22 (2) methods to ensure greater control of entrances,
23 exits, and external access;

24 (3) installation of security or alarm systems in

1 instructional facilities;

2 (4) methods for the improvement, renovation, or
3 retrofitting of existing instructional facilities; and

4 (5) design and construction standards for new
5 instructional facilities.

6 (c) The study shall include specific recommendations for
7 building standards and security improvements for school districts
8 classified by the agency into the following community types:

9 (1) major urban;

10 (2) major suburban;

11 (3) other central city;

12 (4) other central city suburban;

13 (5) independent town;

14 (6) non-metropolitan: fast growing;

15 (7) non-metropolitan: stable;

16 (8) rural; and

17 (9) charter school districts.

18 (d) In conducting the study, the commissioner shall consult
19 with the Texas School Safety Center and any other experts in school
20 safety and security or the design of instructional facilities
21 determined by the commissioner to be appropriate.

22 (e) Not later than December 1, 2020, the commissioner shall
23 submit to the governor, the lieutenant governor, the speaker of the
24 house of representatives, and each legislative standing committee
25 with primary jurisdiction over public education the results of the
26 study and recommendations for legislative or other action.

27 (f) This section expires December 1, 2021.

1 SECTION 1.02. Section 12.104, Education Code, is amended by
2 adding Subsections (a-1) and (a-2) to read as follows:

3 (a-1) The governing body of an open-enrollment charter
4 school may:

5 (1) commission peace officers and employ security
6 personnel in the same manner as a board of trustees of a school
7 district under Sections 37.081 and 37.08101; and

8 (2) enter into a memorandum of understanding with a
9 local law enforcement agency to assign a school resource officer,
10 as that term is defined by Section 1701.601, Occupations Code, to
11 the school.

12 (a-2) A reference in law to a peace officer commissioned
13 under Section 37.081 includes a peace officer commissioned by the
14 governing body of an open-enrollment charter school in accordance
15 with Subsection (a-1), and a charter school peace officer has the
16 same powers, duties, and immunities as a peace officer commissioned
17 under that section.

18 SECTION 1.03. Section 12.104(b), Education Code, as amended
19 by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153),
20 Acts of the 85th Legislature, Regular Session, 2017, is reenacted
21 and amended to read as follows:

22 (b) An open-enrollment charter school is subject to:

23 (1) a provision of this title establishing a criminal
24 offense; and

25 (2) a prohibition, restriction, or requirement, as
26 applicable, imposed by this title or a rule adopted under this
27 title, relating to:

- 1 (A) the Public Education Information Management
2 System (PEIMS) to the extent necessary to monitor compliance with
3 this subchapter as determined by the commissioner;
- 4 (B) criminal history records under Subchapter C,
5 Chapter 22;
- 6 (C) reading instruments and accelerated reading
7 instruction programs under Section 28.006;
- 8 (D) accelerated instruction under Section
9 28.0211;
- 10 (E) high school graduation requirements under
11 Section 28.025;
- 12 (F) special education programs under Subchapter
13 A, Chapter 29;
- 14 (G) bilingual education under Subchapter B,
15 Chapter 29;
- 16 (H) prekindergarten programs under Subchapter E
17 or E-1, Chapter 29;
- 18 (I) extracurricular activities under Section
19 33.081;
- 20 (J) discipline management practices or behavior
21 management techniques under Section 37.0021;
- 22 (K) health and safety under Chapter 38;
- 23 (L) public school accountability under
24 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 25 (M) the requirement under Section 21.006 to
26 report an educator's misconduct;
- 27 (N) intensive programs of instruction under

1 Section 28.0213;

2 (O) the right of a school employee to report a
3 crime, as provided by Section 37.148; ~~and~~

4 (P) bullying prevention policies and procedures
5 under Section 37.0832;

6 (Q) the right of a school under Section 37.0052
7 to place a student who has engaged in certain bullying behavior in a
8 disciplinary alternative education program or to expel the student;
9 ~~and~~

10 (R) the right under Section 37.0151 to report to
11 local law enforcement certain conduct constituting assault or
12 harassment;

13 (S) ~~(P)~~ a parent's right to information
14 regarding the provision of assistance for learning difficulties to
15 the parent's child as provided by Sections 26.004(b)(11) and
16 26.0081(c) and (d); and

17 (T) school safety requirements under Sections
18 37.108, 37.1082, 37.109, and 37.207.

19 SECTION 1.04. Section 30.052(1), Education Code, is amended
20 to read as follows:

21 (1) The governing board of the Texas School for the Deaf may
22 employ security personnel and may commission peace officers in the
23 same manner as a board of trustees of a school district under
24 Sections ~~Section~~ 37.081 and 37.08101.

25 SECTION 1.05. Section 37.006, Education Code, is amended by
26 amending Subsection (a) and adding Subsection (a-1) to read as
27 follows:

1 (a) A student shall be removed from class and placed in a
2 disciplinary alternative education program as provided by Section
3 37.008 if the student:

4 (1) engages in conduct involving a public school that
5 contains the elements of the offense of false alarm or report under
6 Section 42.06, Penal Code, or terroristic threat under Section
7 22.07, Penal Code; or

8 (2) commits the following on or within 300 feet of
9 school property, as measured from any point on the school's real
10 property boundary line, or while attending a school-sponsored or
11 school-related activity on or off of school property:

12 (A) engages in conduct punishable as a felony;

13 (B) engages in conduct that contains the elements
14 of the offense of assault under Section 22.01(a)(1), Penal Code,
15 against a person other than a person described in Paragraph (B-1);

16 (B-1) except as provided by Subsection (a-1),
17 engages in conduct that contains the elements of the offense of
18 assault under Section 22.01(a)(1), (2), or (3), Penal Code, against
19 a school district employee or a volunteer as defined by Section
20 22.053;

21 (C) sells, gives, or delivers to another person
22 or possesses or uses or is under the influence of:

23 (i) marihuana or a controlled substance, as
24 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
25 Section 801 et seq.; or

26 (ii) a dangerous drug, as defined by
27 Chapter 483, Health and Safety Code;

1 (D) sells, gives, or delivers to another person
2 an alcoholic beverage, as defined by Section 1.04, Alcoholic
3 Beverage Code, commits a serious act or offense while under the
4 influence of alcohol, or possesses, uses, or is under the influence
5 of an alcoholic beverage;

6 (E) engages in conduct that contains the elements
7 of an offense relating to an abusable volatile chemical under
8 Sections 485.031 through 485.034, Health and Safety Code; or

9 (F) engages in conduct that contains the elements
10 of the offense of public lewdness under Section 21.07, Penal Code,
11 or indecent exposure under Section 21.08, Penal Code.

12 (a-1) If a principal or other appropriate administrator,
13 including a campus behavior coordinator, determines that
14 extraordinary circumstances apply, the principal or administrator
15 is not required to place a student in a disciplinary alternative
16 education program for conduct described by Subsection (a)(2)(B-1).

17 SECTION 1.06. Section 37.0081(a), Education Code, is
18 amended to read as follows:

19 (a) Subject to Subsection (h), but notwithstanding any
20 other provision of this subchapter, the board of trustees of a
21 school district, or the board's designee, after an opportunity for
22 a hearing may expel a student and elect to place the student in an
23 alternative setting as provided by Subsection (a-1) if:

24 (1) the student:

25 (A) has received deferred prosecution under
26 Section 53.03, Family Code, for conduct defined as:

27 (i) a felony offense in Title 5, Penal Code,

1 or Chapter 46, Penal Code; or

2 (ii) an [~~the felony~~] offense [~~of aggravated~~
3 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
4 or Chapter 71, Penal Code;

5 (B) has been found by a court or jury to have
6 engaged in delinquent conduct under Section 54.03, Family Code, for
7 conduct defined as:

8 (i) a felony offense in Title 5, Penal Code,
9 or Chapter 46, Penal Code; or

10 (ii) an [~~the felony~~] offense [~~of aggravated~~
11 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
12 or Chapter 71, Penal Code;

13 (C) is charged with engaging in conduct defined
14 as:

15 (i) a felony offense in Title 5, Penal Code,
16 or Chapter 46, Penal Code; or

17 (ii) an [~~the felony~~] offense [~~of aggravated~~
18 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
19 or Chapter 71, Penal Code;

20 (D) has been referred to a juvenile court for
21 allegedly engaging in delinquent conduct under Section 54.03,
22 Family Code, for conduct defined as:

23 (i) a felony offense in Title 5, Penal Code,
24 or Chapter 46, Penal Code; or

25 (ii) an [~~the felony~~] offense [~~of aggravated~~
26 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
27 or Chapter 71, Penal Code;

1 (E) has received probation or deferred
2 adjudication for:

3 (i) a felony offense under Title 5, Penal
4 Code, or Chapter 46, Penal Code; or

5 (ii) an [~~the felony~~] offense [~~of aggravated~~
6 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
7 or Chapter 71, Penal Code;

8 (F) has been convicted of:

9 (i) a felony offense under Title 5, Penal
10 Code, or Chapter 46, Penal Code; or

11 (ii) an [~~the felony~~] offense [~~of aggravated~~
12 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
13 or Chapter 71, Penal Code; or

14 (G) has been arrested for or charged with:

15 (i) a felony offense under Title 5, Penal
16 Code, or Chapter 46, Penal Code; or

17 (ii) an [~~the felony~~] offense [~~of aggravated~~
18 ~~robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code,
19 or Chapter 71, Penal Code; and

20 (2) the board or the board's designee determines that
21 the student's presence in the regular classroom:

22 (A) threatens the safety of other students or
23 teachers;

24 (B) will be detrimental to the educational
25 process; or

26 (C) is not in the best interests of the
27 district's students.

1 SECTION 1.07. Section 37.009, Education Code, is amended by
2 adding Subsection (a-1) to read as follows:

3 (a-1) If a student is placed in a disciplinary alternative
4 education program, a school district shall conduct a behavioral
5 threat assessment of the student if the campus behavior coordinator
6 or other appropriate administrator or the student's parent or
7 guardian considers an assessment of the student to be necessary.

8 SECTION 1.08. The heading to Section 37.081, Education
9 Code, is amended to read as follows:

10 Sec. 37.081. SCHOOL DISTRICT PEACE OFFICERS [~~AND SECURITY~~
11 ~~PERSONNEL~~].

12 SECTION 1.09. Section 37.081(a), Education Code, is amended
13 to read as follows:

14 (a) The board of trustees of any school district may [~~employ~~
15 ~~security personnel and may~~] commission peace officers to carry out
16 this subchapter. [~~If a board of trustees authorizes a person~~
17 ~~employed as security personnel to carry a weapon, the person must be~~
18 ~~a commissioned peace officer.~~] The jurisdiction of a peace officer
19 [~~or security personnel~~] under this section shall be determined by
20 the board of trustees and may include all territory in the
21 boundaries of the school district and all property outside the
22 boundaries of the district that is owned, leased, or rented by or
23 otherwise under the control of the school district and the board of
24 trustees that employ the peace officer [~~or security personnel~~].

25 SECTION 1.10. Subchapter C, Chapter 37, Education Code, is
26 amended by adding Section 37.08101 to read as follows:

27 Sec. 37.08101. SCHOOL DISTRICT SECURITY PERSONNEL. (a) In

1 this section:

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

4 (2) "Veteran" has the meaning assigned by Section
5 434.022, Government Code.

6 (b) The board of trustees of a school district may employ
7 security personnel to provide security services in the district and
8 to carry out this subchapter.

9 (c) In employing security personnel under this section, the
10 board of trustees of a school district shall give preference to a
11 person who is:

12 (1) a commissioned peace officer;

13 (2) a retired peace officer; or

14 (3) a veteran.

15 (d) The board of trustees of a school district may not
16 authorize a person employed as security personnel to carry a weapon
17 unless that person is:

18 (1) a commissioned peace officer;

19 (2) a retired peace officer; or

20 (3) a veteran who has been issued a certificate of
21 completion for the school security personnel training under Section
22 1701.269, Occupations Code.

23 (e) The board of trustees of a school district shall
24 determine the jurisdiction of security personnel employed under
25 this section, which may include all territory in the boundaries of
26 the district and all property outside the boundaries of the
27 district that is owned, leased, or rented by or otherwise under the

1 control of the district and the board of trustees that employ the
2 security personnel.

3 SECTION 1.11. Sections 37.0811(a), (d), and (e), Education
4 Code, are amended to read as follows:

5 (a) The board of trustees of a school district or the
6 governing body of an open-enrollment charter school may appoint not
7 more than the greater of:

8 (1) one school marshal per 100 [~~200~~] students in
9 average daily attendance per campus; or

10 (2) for each campus, one school marshal per building
11 of the campus at which students regularly receive classroom
12 instruction.

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

25 (e) A school marshal may use [~~access~~] a handgun the school
26 marshal is authorized to carry or possess under this section only
27 under circumstances that would justify the use of deadly force

1 under Section 9.32 or 9.33, Penal Code.

2 SECTION 1.12. Sections 37.0813(a), (d), and (e), Education
3 Code, are amended to read as follows:

4 (a) The governing body of a private school may appoint not
5 more than the greater of:

6 (1) one school marshal per 100 ~~[200]~~ students enrolled
7 in the school; or

8 (2) one school marshal per building of the school at
9 which students regularly receive classroom instruction.

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

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

26 SECTION 1.13. Subchapter C, Chapter 37, Education Code, is
27 amended by adding Section 37.086 to read as follows:

1 Sec. 37.086. LAW ENFORCEMENT AND CAMPUS AGREEMENT. (a) A
2 school district or open-enrollment charter school may adopt a law
3 enforcement and campus agreement to encourage the on-campus
4 presence of peace officers by:

5 (1) requesting local law enforcement agencies to
6 include campus school grounds in regular patrols conducted by peace
7 officers; and

8 (2) allowing peace officers to use campus facilities
9 to:

10 (A) complete clerical law enforcement
11 activities, including the filing of police reports; and

12 (B) take meal and rest breaks.

13 (b) A school district or open-enrollment charter school
14 that adopts an agreement under this section may provide office
15 space for the regular use of a state or local law enforcement agency
16 official.

17 (c) The commissioner may, from funds appropriated to the
18 agency for that purpose, provide a matching grant not to exceed
19 \$10,000 to a school district or open-enrollment charter school for
20 the purpose of acquiring federal funding with a matching funds
21 requirement to defray costs incurred in the implementation of an
22 agreement described by this section.

23 SECTION 1.14. Section 37.108, Education Code, is amended by
24 amending Subsection (c) and adding Subsection (f) to read as
25 follows:

26 (c) A school district or public junior college district
27 shall report the results of the safety and security audit conducted

1 under Subsection (b) to the district's board of trustees and, in the
2 manner required by the Texas School Safety Center, to the Texas
3 School Safety Center. A school district shall also report the
4 results to the agency in accordance with Section 37.1082.

5 (f) A school district shall include in its multihazard
6 emergency operations plan a policy regarding:

7 (1) required training for persons who provide security
8 services at the district, including a person employed as security
9 personnel by the district and a person appointed as a school marshal
10 by the district; and

11 (2) the role of a person described by Subdivision (1)
12 in responding to an emergency in a district facility.

13 SECTION 1.15. Subchapter D, Chapter 37, Education Code, is
14 amended by adding Section 37.1082 to read as follows:

15 Sec. 37.1082. AGENCY DUTIES REGARDING SCHOOL SAFETY
16 MEASURES. (a) The agency shall adopt a three-year cycle for the
17 agency's review of school district safety and security audits
18 conducted under Section 37.108(b).

19 (b) A school district shall:

20 (1) submit the results of the district's safety and
21 security audit to the agency in accordance with the cycle adopted
22 under Subsection (a); and

23 (2) provide any information required by the agency in
24 connection with the agency's review of the audit, including:

25 (A) the name of each individual on the district's
26 school safety and security committee established under Section
27 37.109; and

1 (B) the date of each committee meeting during the
2 preceding year.

3 (c) The Texas School Safety Center shall participate in the
4 agency's review of school district safety and security audits and
5 may provide a recommendation to the agency based on the results of
6 an audit.

7 (d) Regardless of whether the Texas School Safety Center
8 provides a recommendation under Subsection (c) and regardless of
9 the content of any recommendation provided, the agency shall make
10 an independent final determination of whether the results of a
11 school district's safety and security audit comply with applicable
12 standards.

13 (e) If the agency makes a determination under Subsection (d)
14 that the results of a school district's safety and security audit do
15 not comply with applicable standards, the agency and the Texas
16 School Safety Center shall assist the district in improving the
17 district's safety and security measures in a manner that will
18 result in an improvement in the district's safety and security
19 audit.

20 (f) A school district, after receiving assistance from the
21 agency and the Texas School Safety Center under Subsection (e),
22 shall conduct a new safety and security audit and resubmit the
23 results of the audit to the agency for review.

24 (g) The commissioner may adopt rules necessary to implement
25 this section.

26 SECTION 1.16. Section [37.109](#), Education Code, is amended by
27 adding Subsections (a-1), (c), (d), and (e) and amending Subsection

1 (b) to read as follows:

2 (a-1) The committee must include:

3 (1) one or more representatives of an office of
4 emergency management of a county or municipality in which the
5 district is located;

6 (2) one or more representatives of the local police
7 department or sheriff's office;

8 (3) one or more representatives of the district's
9 police department, if applicable;

10 (4) one or more representatives of a municipality with
11 territory included within the boundaries of the district;

12 (5) the president of the district's board of trustees;

13 (6) a member of the district's board of trustees other
14 than the president;

15 (7) the district's superintendent;

16 (8) one or more designees of the district's
17 superintendent, one of whom must be a classroom teacher in the
18 district;

19 (9) if the district partners with an open-enrollment
20 charter school to provide instruction to students, a member of the
21 open-enrollment charter school's governing body or a designee of
22 the governing body; and

23 (10) two parents or guardians of students enrolled in
24 the district.

25 (b) The committee shall:

26 (1) participate on behalf of the district in
27 developing and implementing emergency plans consistent with the

1 district multihazard emergency operations plan required by Section
2 37.108(a) to ensure that the plans reflect specific campus,
3 facility, or support services needs;

4 (2) before the beginning of the school year and once
5 during the spring semester, meet with the district's board of
6 trustees to provide updates and recommendations regarding the
7 district's multihazard emergency operations plan required by
8 Section 37.108(a);

9 (3) report to the district's board of trustees the best
10 methods to provide immediate notification to parents, guardians,
11 and other persons standing in parental relation in circumstances
12 involving a significant threat to the health or safety of students,
13 including identification of the individual with responsibility for
14 overseeing the notification;

15 (4) provide the district with any campus, facility, or
16 support services information required in connection with a safety
17 and security audit required by Section 37.108(b), a safety and
18 security audit report required by Section 37.108(c), or another
19 report required to be submitted by the district to the Texas School
20 Safety Center; ~~and~~

21 (5) ~~(3)~~ review each report required to be submitted
22 by the district to the Texas School Safety Center to ensure that the
23 report contains accurate and complete information regarding each
24 campus, facility, or support service in accordance with criteria
25 established by the center; and

26 (6) consult with local law enforcement agencies on
27 methods to increase law enforcement presence near district

1 campuses.

2 (c) A meeting required under Subsection (b)(2) must:

3 (1) include discussions on recommended facility
4 improvements and emergency operations planning developments; and

5 (2) be open to parents, students, teachers, and
6 community members and allow those individuals to comment on
7 discussions and statements made during the meeting regarding the
8 district's multihazard emergency operations plan.

9 (d) Subsection (c)(2) does not require a district to make
10 publicly available the district's multihazard emergency operations
11 plan required by Section [37.108](#).

12 (e) Except as otherwise provided by this subsection, the
13 committee shall meet at least once during each academic semester
14 and at least once during the summer. A committee established by a
15 school district that operates schools on a year-round system or in
16 accordance with another alternative schedule shall meet at least
17 once every four months.

18 SECTION 1.17. Subchapter G, Chapter [37](#), Education Code, is
19 amended by adding Sections 37.2051 and 37.2052 to read as follows:

20 Sec. 37.2051. BEHAVIORAL THREAT ASSESSMENT TRAINING. (a)
21 The center shall conduct for school districts behavioral threat
22 assessment training to provide school personnel with the skills to
23 appropriately assess threats and identify proper interventions for
24 students.

25 (b) The training provided under this section must
26 incorporate a threat assessment model that provides information
27 regarding the operation of school threat assessment teams composed

1 of school personnel, law enforcement professionals, mental health
2 professionals, and community members.

3 (c) The center may partner with an organization to provide
4 the training under this section to school districts at no cost to
5 the districts.

6 Sec. 37.2052. TRAINING FOR SCHOOL MARSHALS AND SECURITY
7 PERSONNEL. (a) The center shall provide a course of instruction
8 regarding:

9 (1) methods to improve school safety; and

10 (2) the use of law enforcement tactics to provide
11 security services at a school, including:

12 (A) the standard response protocol; and

13 (B) the standard reunification method.

14 (b) A person employed as security personnel or appointed as
15 a school marshal by the board of trustees of a school district or
16 the governing body of an open-enrollment charter school must
17 complete the course of instruction provided under this section at
18 least once every five years.

19 SECTION 1.18. Sections 51.220(e) and (f), Education Code,
20 are amended to read as follows:

21 (e) Any written regulations adopted for purposes of
22 Subsection (d) must provide that a ~~[school marshal may carry a~~
23 ~~concealed handgun as described by Subsection (d), except that if~~
24 ~~the primary duty of the school marshal involves regular, direct~~
25 ~~contact with students, the marshal may not carry a concealed~~
26 ~~handgun but may possess a handgun on the physical premises of a~~
27 ~~public junior college campus in a locked and secured safe within the~~

1 ~~marshal's immediate reach when conducting the marshal's primary~~
2 ~~duty. The written regulations must also require that a]~~ handgun
3 ~~carried~~ or possessed by [~~or within access of~~] a school marshal may
4 be loaded only with frangible duty ammunition approved for that
5 purpose by the Texas Commission on Law Enforcement.

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

10 SECTION 1.19. Article 15.27(h), Code of Criminal Procedure,
11 is amended to read as follows:

12 (h) This article applies to any felony offense and the
13 following misdemeanors:

14 (1) an offense under Section 20.02, 21.08, 22.01,
15 22.05, 22.07, 42.09, 42.092, [~~or~~] 71.02, or 71.021, Penal Code;

16 (2) the unlawful use, sale, or possession of a
17 controlled substance, drug paraphernalia, or marihuana, as defined
18 by Chapter 481, Health and Safety Code; or

19 (3) the unlawful possession of any of the weapons or
20 devices listed in Sections 46.01(1)-(14) or (16), Penal Code, or a
21 weapon listed as a prohibited weapon under Section 46.05, Penal
22 Code.

23 SECTION 1.20. Section 1701.260(c), Occupations Code, is
24 amended to read as follows:

25 (c) The training program shall include at least 50 hours and
26 not more than 80 hours of instruction designed to:

27 (1) emphasize strategies for preventing school

1 shootings and for securing the safety of potential victims of
2 school shootings;

3 (2) educate a trainee about legal issues relating to
4 the duties of peace officers and the use of force or deadly force in
5 the protection of others;

6 (3) introduce the trainee to effective law enforcement
7 strategies and techniques;

8 (4) improve the trainee's proficiency with a handgun;
9 and

10 (5) enable the trainee to respond to an emergency
11 situation requiring deadly force, such as a situation involving an
12 active shooter.

13 SECTION 1.21. Subchapter F, Chapter 1701, Occupations Code,
14 is amended by adding Sections 1701.2601 and 1701.269 to read as
15 follows:

16 Sec. 1701.2601. SCHOOL MARSHAL TRAINING STUDY. (a) The
17 commission shall conduct a study regarding changes to be made to the
18 training provided under Section 1701.260 to make that training a
19 streamlined course of instruction for school marshals that includes
20 training in the use of firearms. In conducting the study, the
21 commission shall solicit input from stakeholders.

22 (b) Not later than August 31, 2020, the commission shall:

23 (1) amend the training provided under Section 1701.260
24 to incorporate any commission-approved changes developed in the
25 study; and

26 (2) submit a report detailing the results of the study
27 to the governor and to the standing committees of the legislature

1 with jurisdiction over issues involving law enforcement and school
2 safety.

3 (c) This section expires September 1, 2020.

4 Sec. 1701.269. TRAINING PROGRAM FOR VETERANS TO SERVE AS
5 SCHOOL SECURITY PERSONNEL. (a) The commission shall provide a
6 course of instruction regarding school security to a person who is:

7 (1) a veteran, as defined by Section 434.022,
8 Government Code; and

9 (2) employed by a school district as security
10 personnel and authorized by the board of trustees of the district to
11 carry a weapon.

12 (b) The course of instruction provided under this section
13 must be tailored to each individual who takes the course according
14 to that individual's background.

15 (c) The commission shall issue a certificate to each veteran
16 who completes the training program under this section.

17 SECTION 1.22. Not later than January 1, 2020, the Texas
18 Commission on Law Enforcement shall develop a training program for
19 veterans who serve as school security personnel, as provided by
20 Section 1701.269, Occupations Code, as added by this Act. A school
21 district may not authorize a veteran to carry a weapon until the
22 veteran has completed the training program.

23 SECTION 1.23. Not later than January 1, 2020, the Texas
24 School Safety Center shall make available the course of instruction
25 for school marshals and school security personnel required by
26 Section 37.2052, Education Code, as added by this article.

1 ARTICLE 2. SCHOOL COUNSELORS AND BEHAVIORAL HEALTH PROFESSIONALS

2 SECTION 2.01. Section 7.040(b), Education Code, is amended
3 to read as follows:

4 (b) The agency shall collaborate with the Texas Higher
5 Education Coordinating Board and the Texas Workforce Commission to
6 obtain the information required under Subsection (a). The agency
7 shall incorporate the use of existing materials and develop new
8 materials to be provided to school academic counselors, students,
9 and parents regarding institutions of higher education.

10 SECTION 2.02. Section 7.055(b)(18), Education Code, is
11 amended to read as follows:

12 (18) The commissioner shall adopt a recommended
13 appraisal process and criteria on which to appraise the performance
14 of teachers, a recommended appraisal process and criteria on which
15 to appraise the performance of administrators, and ~~[a]~~ job
16 descriptions ~~[description]~~ and evaluation forms ~~[form]~~ for use in
17 evaluating school academic counselors and school behavioral
18 counselors, as provided by Subchapter H, Chapter 21.

19 SECTION 2.03. Section 11.252(a), Education Code, is amended
20 to read as follows:

21 (a) Each school district shall have a district improvement
22 plan that is developed, evaluated, and revised annually, in
23 accordance with district policy, by the superintendent with the
24 assistance of the district-level committee established under
25 Section 11.251. The purpose of the district improvement plan is to
26 guide district and campus staff in the improvement of student
27 performance for all student groups in order to attain state

1 standards in respect to the achievement indicators adopted under
2 Section 39.053(c). The district improvement plan must include
3 provisions for:

4 (1) a comprehensive needs assessment addressing
5 district student performance on the achievement indicators, and
6 other appropriate measures of performance, that are disaggregated
7 by all student groups served by the district, including categories
8 of ethnicity, socioeconomic status, sex, and populations served by
9 special programs, including students in special education programs
10 under Subchapter A, Chapter 29;

11 (2) measurable district performance objectives for
12 all appropriate achievement indicators for all student
13 populations, including students in special education programs
14 under Subchapter A, Chapter 29, and other measures of student
15 performance that may be identified through the comprehensive needs
16 assessment;

17 (3) strategies for improvement of student performance
18 that include:

19 (A) instructional methods for addressing the
20 needs of student groups not achieving their full potential;

21 (B) methods for addressing the needs of students
22 for special programs, including:

23 (i) suicide prevention programs, in
24 accordance with Subchapter O-1, Chapter 161, Health and Safety
25 Code, which includes a parental or guardian notification procedure;

26 (ii) conflict resolution programs;

27 (iii) violence prevention programs; and

- 1 (iv) dyslexia treatment programs;
- 2 (C) dropout reduction;
- 3 (D) integration of technology in instructional
4 and administrative programs;
- 5 (E) discipline management;
- 6 (F) staff development for professional staff of
7 the district;
- 8 (G) career education to assist students in
9 developing the knowledge, skills, and competencies necessary for a
10 broad range of career opportunities; and
- 11 (H) accelerated education;
- 12 (4) strategies for providing to middle school, junior
13 high school, and high school students, those students' teachers and
14 school academic counselors, and those students' parents
15 information about:
- 16 (A) higher education admissions and financial
17 aid opportunities;
- 18 (B) the TEXAS grant program and the Teach for
19 Texas grant program established under Chapter 56;
- 20 (C) the need for students to make informed
21 curriculum choices to be prepared for success beyond high school;
22 and
- 23 (D) sources of information on higher education
24 admissions and financial aid;
- 25 (5) resources needed to implement identified
26 strategies;
- 27 (6) staff responsible for ensuring the accomplishment

1 of each strategy;

2 (7) timelines for ongoing monitoring of the
3 implementation of each improvement strategy;

4 (8) formative evaluation criteria for determining
5 periodically whether strategies are resulting in intended
6 improvement of student performance; and

7 (9) the policy under Section 38.0041 addressing sexual
8 abuse and other maltreatment of children.

9 SECTION 2.04. Subchapter B, Chapter 21, Education Code, is
10 amended by adding Section 21.0411 to read as follows:

11 Sec. 21.0411. CLASSES OF EDUCATOR CERTIFICATE FOR PUBLIC
12 SCHOOL COUNSELORS: SCHOOL ACADEMIC COUNSELOR AND SCHOOL BEHAVIORAL
13 COUNSELOR. (a) In proposing rules under Section 21.041(b), the
14 board shall specify a class of educator certificate for public
15 school counselors that qualifies the educator for employment at a
16 public school in accordance with Section 33.001 as:

17 (1) a school academic counselor; and

18 (2) a school behavioral counselor.

19 (b) In proposing rules under Section 21.044, the board shall
20 specify that a candidate to obtain an educator certificate as a
21 school behavioral counselor must be:

22 (1) a licensed specialist in school psychology
23 licensed under Chapter 501, Occupations Code;

24 (2) a licensed professional counselor licensed under
25 Chapter 503, Occupations Code; or

26 (3) a licensed clinical social worker licensed under
27 Chapter 505, Occupations Code.

1 (c) Not later than January 1, 2020, the board shall propose
2 all necessary rules to implement this section, including rules
3 providing for certifying as a school behavioral counselor an
4 educator who:

5 (1) is certified as a school counselor before the
6 effective date of rules providing for certifying a school
7 behavioral counselor; and

8 (2) meets the requirements for certification as a
9 school behavioral counselor.

10 (d) Subsection (c) and this subsection expire September 1,
11 2021.

12 SECTION 2.05. Section 21.054(f), Education Code, is amended
13 to read as follows:

14 (f) Continuing education requirements for a school academic
15 counselor must provide that not more than 25 percent of training
16 required every five years include instruction regarding:

17 (1) assisting students in developing high school
18 graduation plans;

19 (2) implementing dropout prevention strategies; and

20 (3) informing students concerning:

21 (A) college admissions, including college
22 financial aid resources and application procedures; and

23 (B) career opportunities.

24 SECTION 2.06. Section 21.356, Education Code, is amended to
25 read as follows:

26 Sec. 21.356. EVALUATION OF SCHOOL COUNSELORS. (a) The
27 commissioner shall develop and periodically update a job

1 description and an evaluation form for use by school districts in
2 evaluating school academic counselors. The commissioner shall
3 consult with state guidance counselor associations in the
4 development and modification of the job description and the
5 evaluation form for school academic counselors.

6 (b) The commissioner shall develop and periodically update
7 a job description and evaluation form for use by school districts in
8 evaluating school behavioral counselors. The commissioner shall
9 consult with state guidance counselor associations and appropriate
10 licensing agencies or bodies under Chapters 501, 503, and 505,
11 Occupations Code, in the development and modification of the job
12 description and the evaluation form for school behavioral
13 counselors.

14 SECTION 2.07. Section 28.0212(a), Education Code, is
15 amended to read as follows:

16 (a) A principal of a junior high or middle school shall
17 designate a school academic counselor, teacher, or other
18 appropriate individual to develop and administer a personal
19 graduation plan for each student enrolled in the junior high or
20 middle school who:

21 (1) does not perform satisfactorily on an assessment
22 instrument administered under Subchapter B, Chapter 39; or

23 (2) is not likely to receive a high school diploma
24 before the fifth school year following the student's enrollment in
25 grade level nine, as determined by the district.

26 SECTION 2.08. Section 28.02121(c), Education Code, is
27 amended to read as follows:

1 (c) A principal of a high school shall designate a school
2 academic counselor or school administrator to review personal
3 graduation plan options with each student entering grade nine
4 together with that student's parent or guardian. The personal
5 graduation plan options reviewed must include the distinguished
6 level of achievement described by Section 28.025(b-15) and the
7 endorsements described by Section 28.025(c-1). Before the
8 conclusion of the school year, the student and the student's parent
9 or guardian must confirm and sign a personal graduation plan for the
10 student.

11 SECTION 2.09. Section 28.025(b), Education Code, is amended
12 to read as follows:

13 (b) A school district shall ensure that each student, on
14 entering ninth grade, indicates in writing an endorsement under
15 Subsection (c-1) that the student intends to earn. A district shall
16 permit a student to choose, at any time, to earn an endorsement
17 other than the endorsement the student previously indicated. A
18 student may graduate under the foundation high school program
19 without earning an endorsement if, after the student's sophomore
20 year:

21 (1) the student and the student's parent or person
22 standing in parental relation to the student are advised by a school
23 academic counselor of the specific benefits of graduating from high
24 school with one or more endorsements; and

25 (2) the student's parent or person standing in
26 parental relation to the student files with a school academic
27 counselor written permission, on a form adopted by the agency,

1 allowing the student to graduate under the foundation high school
2 program without earning an endorsement.

3 SECTION 2.10. Section 28.0253(b), Education Code, is
4 amended to read as follows:

5 (b) A research university that chooses to participate in the
6 pilot program shall:

7 (1) not later than September 1 of each year, make
8 available on the university's Internet website detailed standards
9 for use in the program regarding:

10 (A) the specific competencies that demonstrate a
11 student's mastery of each subject area for which the Texas Higher
12 Education Coordinating Board and the commissioner have adopted
13 college readiness standards;

14 (B) the specific competencies that demonstrate a
15 student's mastery of a language other than English; and

16 (C) acceptable assessments or other means by
17 which a student may demonstrate the student's early readiness for
18 college with respect to each subject area and the language
19 described by this subdivision, subject to Subsection (c);

20 (2) partner with at least 10 school districts that
21 reflect the geographic diversity of this state and the student
22 compositions of which reflect the socioeconomic diversity of this
23 state; and

24 (3) assist school administrators, school academic
25 counselors, and other educators in each of those school districts
26 in designing the specific requirements of and implementing the
27 program in the district.

1 SECTION 2.11. Section 28.026, Education Code, is amended to
2 read as follows:

3 Sec. 28.026. NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE
4 ADMISSION AND FINANCIAL AID. (a) The board of trustees of a school
5 district and the governing body of each open-enrollment charter
6 school that provides a high school shall require each high school in
7 the district or provided by the charter school, as applicable, to
8 post appropriate signs in each school academic counselor's office,
9 in each principal's office, and in each administrative building
10 indicating the substance of Section 51.803 regarding automatic
11 college admission and stating the curriculum requirements for
12 financial aid authorized under Title 3. To assist in the
13 dissemination of that information, the district or charter school
14 shall:

15 (1) require that each school academic counselor and
16 class advisor at a high school be provided a detailed explanation of
17 the substance of Section 51.803 and the curriculum requirements for
18 financial aid authorized under Title 3;

19 (2) provide each district or school student, at the
20 time the student first registers for one or more classes required
21 for high school graduation, with a written notification, including
22 a detailed explanation in plain language, of the substance of
23 Section 51.803, the curriculum requirements for financial aid
24 authorized under Title 3, and the benefits of completing the
25 requirements for that automatic admission and financial aid;

26 (3) require that each school academic counselor and
27 senior class advisor at a high school explain to eligible students

1 the substance of Section 51.803; and

2 (4) not later than the 14th day after the last day of
3 classes for the fall semester or an equivalent date in the case of a
4 school operated on a year-round system under Section 25.084,
5 provide each senior student eligible under Section 51.803 and each
6 student enrolled in the junior year of high school who has a grade
7 point average in the top 10 percent of the student's high school
8 class, and the student's parent or guardian, with a written
9 notification of the student's eligibility with a detailed
10 explanation in plain language of the substance of Section 51.803.

11 (b) The commissioner shall adopt forms, including specific
12 language, to use in providing notice under Subsections (a)(2) and
13 (4). In providing notice under Subsection (a)(2) or (4), a school
14 district or open-enrollment charter school shall use the
15 appropriate form adopted by the commissioner. The notice to a
16 student and the student's parent or guardian under Subsections
17 (a)(2) and (4) must be on a single form that contains signature
18 lines to indicate receipt of notice by the student and the student's
19 parent or guardian. The notice under Subsection (a)(2) must be
20 signed by the student's school academic counselor in addition to
21 being signed by the student and the student's parent or guardian.

22 SECTION 2.12. Section 28.054(b), Education Code, is amended
23 to read as follows:

24 (b) To obtain a subsidy under this section, a student must:

25 (1) pay the fee for each test or examination for which
26 the student seeks a subsidy; and

27 (2) submit to the board through the student's school

1 academic counselor a written application on a form prescribed by
2 the commissioner demonstrating financial need and the amount of the
3 fee paid by the student for each test or examination.

4 SECTION 2.13. Section 29.082(e), Education Code, is amended
5 to read as follows:

6 (e) A student who attends at least 90 percent of the program
7 days of a program under this section and who satisfies the
8 requirements for promotion prescribed by Section 28.021 shall be
9 promoted to the next grade level at the beginning of the next school
10 year unless a parent of the student presents a written request to
11 the school principal that the student not be promoted to the next
12 grade level. As soon as practicable after receiving the request
13 from a parent, the principal shall hold a formal meeting with the
14 student's parent, extended year program teacher, ~~and~~ school
15 academic counselor, and school behavioral counselor if a school
16 behavioral counselor is employed by the district. During the
17 meeting, the principal, the teacher, or a school counselor shall
18 explain the longitudinal statistics on the academic performance of
19 students who are not promoted to the next grade level and provide
20 information on the effect of retention on a student's self-esteem
21 and on the likelihood of a student dropping out of school. After
22 the meeting, the parent may withdraw the request that the student
23 not be promoted to the next grade level. If the parent of a student
24 eligible for promotion under this subsection withdraws the request,
25 the student shall be promoted. If a student is promoted under this
26 subsection, the school district shall continue to use innovative
27 practices to ensure that the student is successful in school in

1 succeeding years.

2 SECTION 2.14. Section 29.911(b), Education Code, is amended
3 to read as follows:

4 (b) During the designated week, each middle school, junior
5 high school, and high school shall provide students with
6 comprehensive grade-appropriate information regarding the pursuit
7 of higher education. The information provided must include
8 information regarding:

9 (1) higher education options available to students;

10 (2) standard admission requirements for institutions
11 of higher education, including:

12 (A) overall high school grade point average;

13 (B) required curriculum;

14 (C) college readiness standards and expectations
15 as determined under Section 28.008; and

16 (D) scores necessary on generally recognized
17 tests or assessment instruments used in admissions determinations,
18 including the Scholastic Assessment Test and the American College
19 Test;

20 (3) automatic admission of certain students to general
21 academic teaching institutions as provided by Section 51.803; and

22 (4) financial aid availability and requirements,
23 including the financial aid information provided by school academic
24 counselors under Section 33.007(b).

25 SECTION 2.15. Subchapter A, Chapter 33, Education Code, is
26 amended by adding Section 33.001 to read as follows:

27 Sec. 33.001. EMPLOYMENT OF PUBLIC SCHOOL COUNSELORS: SCHOOL

1 ACADEMIC COUNSELORS AND SCHOOL BEHAVIORAL COUNSELORS. (a) A
2 school district may employ as a school academic counselor an
3 educator who is certified under Subchapter B, Chapter 21, as a
4 school academic counselor or a school behavioral counselor. A
5 school academic counselor shall:

6 (1) provide guidance and counseling services to
7 students regarding academic development and achievement; and

8 (2) administer developmental guidance and counseling
9 programs in the district.

10 (b) A school district may only employ as a school behavioral
11 counselor an educator certified under Subchapter B, Chapter 21, as
12 a school behavioral counselor. A school behavioral counselor
13 shall:

14 (1) provide behavioral health counseling services to
15 students; and

16 (2) administer behavioral health counseling programs
17 in the district.

18 (c) If a school district employs an educator as a school
19 behavioral counselor, the district must also employ at least one
20 educator as a school academic counselor. An educator employed by a
21 district as a school behavioral counselor may not be required by the
22 district to also fulfill the role of a school academic counselor or,
23 except as provided by Section 33.006(c), otherwise be assigned a
24 duty imposed under this title on a school academic counselor.

25 (d) A reference in this title to:

26 (1) a "counselor," "school counselor," or "public
27 school counselor" refers to an appropriately certified educator

1 employed as:

2 (A) a school academic counselor; or

3 (B) a school behavioral counselor;

4 (2) a "school academic counselor" refers to an
5 appropriately certified educator employed as a school academic
6 counselor; and

7 (3) a "school behavioral counselor" refers to an
8 appropriately certified educator employed as a school behavioral
9 counselor.

10 SECTION 2.16. Section 33.002, Education Code, is amended to
11 read as follows:

12 Sec. 33.002. [~~CERTIFIED~~] SCHOOL ACADEMIC COUNSELOR
13 REQUIREMENT. (a) From funds appropriated for the purpose or other
14 funds that may be used for the purpose, the commissioner shall
15 distribute funds for programs under this subchapter. In
16 distributing those funds, the commissioner shall give preference to
17 a school district that received funds under this subsection for the
18 preceding school year and then to the districts that have the
19 highest concentration of students at risk of dropping out of
20 school, as described by Section 29.081. To receive funds for the
21 program, a school district must apply to the commissioner. For each
22 school year that a school district receives funds under this
23 subsection, the district shall allocate an amount of local funds
24 for school guidance and counseling programs that is equal to or
25 greater than the amount of local funds that the school district
26 allocated for that purpose during the preceding school year. This
27 section applies only to a school district that receives funds as

1 provided by this subsection.

2 (b) A school district with 500 or more students enrolled in
3 elementary school grades shall employ a school academic counselor
4 certified under the rules of the State Board for Educator
5 Certification for each elementary school in the district. A school
6 district shall employ at least one school academic counselor for
7 every 500 elementary school students in the district.

8 (c) A school district with fewer than 500 students enrolled
9 in elementary school grades shall provide guidance and counseling
10 services to elementary school students by:

11 (1) employing a part-time school academic counselor
12 certified under the rules of the State Board for Educator
13 Certification;

14 (2) employing a part-time teacher certified as a
15 school academic counselor under the rules of the State Board for
16 Educator Certification; or

17 (3) entering into a shared services arrangement
18 agreement with one or more school districts to share a school
19 academic counselor certified under the rules of the State Board for
20 Educator Certification.

21 SECTION 2.17. Section 33.005, Education Code, is amended to
22 read as follows:

23 Sec. 33.005. DEVELOPMENTAL GUIDANCE AND COUNSELING
24 PROGRAMS. A school academic counselor shall work with the school
25 faculty and staff, students, parents, and the community to plan,
26 implement, and evaluate a developmental guidance and counseling
27 program. The school academic counselor shall design the program to

1 include:

2 (1) a guidance curriculum to help students develop
3 their full educational potential, including the student's
4 interests and career objectives;

5 (2) a responsive services component to intervene on
6 behalf of any student whose immediate personal concerns or problems
7 put the student's continued educational, career, personal, or
8 social development at risk;

9 (3) an individual planning system to guide a student
10 as the student plans, monitors, and manages the student's own
11 educational, career, personal, and social development; and

12 (4) system support to support the efforts of teachers,
13 staff, parents, and other members of the community in promoting the
14 educational, career, personal, and social development of students.

15 SECTION 2.18. Section 33.006, Education Code, is amended to
16 read as follows:

17 Sec. 33.006. SCHOOL ACADEMIC COUNSELORS; GENERAL DUTIES.

18 (a) The primary responsibility of a school academic counselor is to
19 counsel students to fully develop each student's academic, career,
20 personal, and social abilities.

21 (b) In addition to a school academic counselor's
22 responsibility under Subsection (a), the school academic counselor
23 shall:

24 (1) participate in planning, implementing, and
25 evaluating a comprehensive developmental guidance program to serve
26 all students and to address the special needs of students:

27 (A) who are at risk of dropping out of school,

1 becoming substance abusers, participating in gang activity, or
2 committing suicide;

3 (B) who are in need of modified instructional
4 strategies; or

5 (C) who are gifted and talented, with emphasis on
6 identifying and serving gifted and talented students who are
7 educationally disadvantaged;

8 (2) consult with a student's parent or guardian and
9 make referrals as appropriate in consultation with the student's
10 parent or guardian;

11 (3) consult with school staff, parents, and other
12 community members to help them increase the effectiveness of
13 student education and promote student success;

14 (4) coordinate people and resources in the school,
15 home, and community;

16 (5) with the assistance of school staff, interpret
17 standardized test results and other assessment data that help a
18 student make educational and career plans;

19 (6) deliver classroom guidance activities or serve as
20 a consultant to teachers conducting lessons based on the school's
21 guidance curriculum; and

22 (7) except as provided by Subsection (c), serve as an
23 impartial, nonreporting resource for interpersonal conflicts and
24 discord involving two or more students, including accusations of
25 bullying under Section 37.0832.

26 (c) If a school district employs a school behavioral
27 counselor, a duty imposed on a school academic counselor relating

1 to a student's social development or abilities, including a duty
2 imposed under Subsection (b)(7), may be assigned to the school
3 behavioral counselor.

4 (d) Nothing in Subsection (b)(7) exempts a school academic
5 counselor or school behavioral counselor from any mandatory
6 reporting requirements imposed by other provisions of law.

7 SECTION 2.19. Section 33.007, Education Code, is amended to
8 read as follows:

9 Sec. 33.007. COUNSELING REGARDING POSTSECONDARY EDUCATION.

10 (a) Each school academic counselor at an elementary, middle, or
11 junior high school, including an open-enrollment charter school
12 offering those grades, shall advise students and their parents or
13 guardians regarding the importance of postsecondary education,
14 coursework designed to prepare students for postsecondary
15 education, and financial aid availability and requirements.

16 (b) During the first school year a student is enrolled in a
17 high school or at the high school level in an open-enrollment
18 charter school, and again during each year of a student's
19 enrollment in high school or at the high school level, a school
20 academic counselor shall provide information about postsecondary
21 education to the student and the student's parent or guardian. The
22 information must include information regarding:

23 (1) the importance of postsecondary education;

24 (2) the advantages of earning an endorsement and a
25 performance acknowledgment and completing the distinguished level
26 of achievement under the foundation high school program under
27 Section 28.025;

1 (3) the disadvantages of taking courses to prepare for
2 a high school equivalency examination relative to the benefits of
3 taking courses leading to a high school diploma;

4 (4) financial aid eligibility;

5 (5) instruction on how to apply for federal financial
6 aid;

7 (6) the center for financial aid information
8 established under Section [61.0776](#);

9 (7) the automatic admission of certain students to
10 general academic teaching institutions as provided by Section
11 [51.803](#);

12 (8) the eligibility and academic performance
13 requirements for the TEXAS Grant as provided by Subchapter M,
14 Chapter [56](#);

15 (9) the availability of programs in the district under
16 which a student may earn college credit, including advanced
17 placement programs, dual credit programs, joint high school and
18 college credit programs, and international baccalaureate programs;
19 and

20 (10) the availability of education and training
21 vouchers and tuition and fee waivers to attend an institution of
22 higher education as provided by Section [54.366](#) for a student who is
23 or was previously in the conservatorship of the Department of
24 Family and Protective Services.

25 (b-1) When providing information under Subsection (b)(10),
26 the school academic counselor must report to the student and the
27 student's parent or guardian the number of times the counselor has

1 provided the information to the student.

2 (c) At the beginning of grades 10 and 11, a school academic
3 counselor certified under the rules of the State Board for Educator
4 Certification shall explain the requirements of automatic
5 admission to a general academic teaching institution under Section
6 51.803 to each student enrolled in a high school or at the high
7 school level in an open-enrollment charter school who has a grade
8 point average in the top 25 percent of the student's high school
9 class.

10 SECTION 2.20. Sections 33.009(b), (c), (d), (h), and (i),
11 Education Code, are amended to read as follows:

12 (b) The center shall develop and make available
13 postsecondary education and career counseling academies for school
14 academic counselors and other postsecondary advisors employed by a
15 school district at a middle school, junior high school, or high
16 school.

17 (c) In developing academies under this section, the center
18 shall solicit input from the agency, school academic counselors,
19 the Texas Workforce Commission, institutions of higher education,
20 and business, community, and school leaders.

21 (d) An academy developed under this section must provide
22 school academic counselors and other postsecondary advisors with
23 knowledge and skills to provide counseling to students regarding
24 postsecondary success and productive career planning and must
25 include information relating to:

26 (1) each endorsement described by Section
27 28.025(c-1), including:

1 (A) the course requirements for each
2 endorsement; and

3 (B) the postsecondary educational and career
4 opportunities associated with each endorsement;

5 (2) available methods for a student to earn credit for
6 a course not offered at the school in which the student is enrolled,
7 including enrollment in an electronic course provided through the
8 state virtual school network under Chapter 30A;

9 (3) general academic performance requirements for
10 admission to an institution of higher education, including the
11 requirements for automatic admission to a general academic teaching
12 institution under Section 51.803;

13 (4) regional workforce needs, including information
14 about the required education and the average wage or salary for
15 careers that meet those workforce needs; and

16 (5) effective strategies for engaging students and
17 parents in planning for postsecondary education and potential
18 careers, including participation in mentorships and business
19 partnerships.

20 (h) From funds appropriated for that purpose, a school
21 academic counselor who attends the academy under this section is
22 entitled to receive a stipend in the amount determined by the
23 center. If funds are available after all eligible school academic
24 counselors have received a stipend under this subsection, the
25 center shall pay a stipend in the amount determined by the center to
26 a teacher who attends the academy under this section. A stipend
27 received under this subsection is not considered in determining

1 whether a district is paying the school academic counselor or
2 teacher the minimum monthly salary under Section 21.402.

3 (i) From available funds appropriated for purposes of this
4 section, the center may provide to school academic counselors and
5 other educators curricula, instructional materials, and
6 technological tools relating to postsecondary education and career
7 counseling.

8 SECTION 2.21. Section 38.0041(c), Education Code, is
9 amended to read as follows:

10 (c) The methods under Subsection (b)(1) for increasing
11 awareness of issues regarding sexual abuse, sex trafficking, and
12 other maltreatment of children must include training, as provided
13 by this subsection, concerning prevention techniques for and
14 recognition of sexual abuse, sex trafficking, and all other
15 maltreatment of children. The training:

16 (1) must be provided, as part of a new employee
17 orientation, to all new school district and open-enrollment charter
18 school employees and to existing district and open-enrollment
19 charter school employees on a schedule adopted by the agency by rule
20 until all district and open-enrollment charter school employees
21 have taken the training; and

22 (2) must include training concerning:

23 (A) factors indicating a child is at risk for
24 sexual abuse, sex trafficking, or other maltreatment;

25 (B) likely warning signs indicating a child may
26 be a victim of sexual abuse, sex trafficking, or other
27 maltreatment;

1 (C) internal procedures for seeking assistance
2 for a child who is at risk for sexual abuse, sex trafficking, or
3 other maltreatment, including referral to a school behavioral
4 counselor or school academic counselor, a social worker, or another
5 mental health professional;

6 (D) techniques for reducing a child's risk of
7 sexual abuse, sex trafficking, or other maltreatment; and

8 (E) community organizations that have relevant
9 existing research-based programs that are able to provide training
10 or other education for school district or open-enrollment charter
11 school staff members, students, and parents.

12 SECTION 2.22. Section 56.308(b), Education Code, is amended
13 to read as follows:

14 (b) Each school district shall:

15 (1) notify its middle school students, junior high
16 school students, and high school students, those students' teachers
17 and school academic counselors, and those students' parents of the
18 TEXAS grant and Teach for Texas grant programs, the eligibility
19 requirements of each program, the need for students to make
20 informed curriculum choices to be prepared for success beyond high
21 school, and sources of information on higher education admissions
22 and financial aid in a manner that assists the district in
23 implementing a strategy adopted by the district under Section
24 11.252(a)(4); and

25 (2) ensure that each student's official transcript or
26 diploma indicates whether the student has completed or is on
27 schedule to complete:

1 (A) the recommended or advanced high school
2 curriculum required for grant eligibility under Section 28.002 or
3 28.025; or

4 (B) for a school district covered by Section
5 56.304(f)(1), the required portion of the recommended or advanced
6 high school curriculum in the manner described by Section
7 56.304(f)(2).

8 SECTION 2.23. Chapter 784, Health and Safety Code, is
9 amended to read as follows:

10 CHAPTER 784. CRITICAL INCIDENT STRESS MANAGEMENT AND CRISIS
11 RESPONSE SERVICES; LOCAL EMERGENCY RESPONSE NETWORKS

12 Sec. 784.001. DEFINITIONS. In this chapter:

13 (1) "Behavioral health professional" means:

14 (A) a licensed professional counselor as defined
15 by Section 503.002, Occupations Code;

16 (B) a person who holds a clinical social worker
17 license or master social worker license issued under Chapter 505,
18 Occupations Code; or

19 (C) a psychologist who holds a license to engage
20 in the practice of psychology issued under Section 501.252,
21 Occupations Code.

22 (2) "Commission" means the Health and Human Services
23 Commission.

24 (3) "Crisis response service" means consultation,
25 risk assessment, referral, and on-site crisis intervention
26 services provided by an emergency response team member to a person
27 affected by a crisis, disaster, or emergency, including a victim, a

1 family member of a victim, and an emergency service provider
2 affected by a crisis, ~~[or]~~ disaster, or emergency.

3 (4) ~~[(2)]~~ "Critical incident stress" means the acute
4 or cumulative psychological stress or trauma that an emergency
5 service provider may experience in providing emergency services in
6 response to a critical incident, including a crisis, disaster, or
7 emergency. The stress or trauma is an unusually strong emotional,
8 cognitive, or physical reaction that has the potential to interfere
9 with normal functioning, including:

- 10 (A) physical and emotional illness;
11 (B) failure of usual coping mechanisms;
12 (C) loss of interest in the job;
13 (D) personality changes; and
14 (E) loss of ability to function.

15 (5) ~~[(3)]~~ "Critical incident stress management
16 service" means a service providing a process of crisis intervention
17 designed to assist an emergency service provider in coping with
18 critical incident stress. The term includes consultation,
19 counseling, debriefing, defusing, intervention services, case
20 management services, prevention, and referral.

21 (6) ~~[(4)]~~ "Emergency response team member" means an
22 individual providing critical incident stress management services
23 or crisis response services, or both, who is designated by the
24 commission or a local mental health authority ~~[an appropriate state~~
25 ~~or local governmental unit]~~ to provide those services as a member of
26 a local emergency response network ~~[an organized team]~~ or in
27 association with the commission or local mental health authority

1 ~~[governmental unit]~~.

2 (7) [(5)] "Emergency service provider" means an
3 individual who provides emergency response services, including a
4 law enforcement officer, firefighter, emergency medical services
5 provider, dispatcher, or rescue service provider.

6 (8) "Executive commissioner" means the executive
7 commissioner of the commission.

8 (9) "Local emergency response network" means an
9 association or team of behavioral health professionals and other
10 qualified persons that is organized by the commission or a local
11 mental health authority, or the commission in cooperation with a
12 local mental health authority, to provide critical incident stress
13 management services or crisis response services in response to a
14 critical incident, including a crisis, disaster, or emergency.

15 Sec. 784.002. COMMISSION STAFF. The executive commissioner
16 shall employ sufficient personnel in the appropriate division of
17 the commission to implement and administer this chapter.

18 Sec. 784.003. LOCAL EMERGENCY RESPONSE NETWORKS. (a) The
19 commission, in cooperation with local mental health authorities,
20 shall identify behavioral health professionals to serve as
21 volunteer emergency response team members of a local emergency
22 response network to:

23 (1) expand local emergency response networks that
24 provide critical incident stress management services and crisis
25 response services to emergency service providers; and

26 (2) establish local emergency response networks to
27 provide crisis response services to victims of a crisis, disaster,

1 or emergency and family members of those victims.

2 (b) In expanding or establishing local emergency response
3 networks under Subsection (a), commission staff may execute
4 interagency agreements or memoranda of understanding with
5 appropriate entities that employ behavioral health professionals,
6 including school districts, public junior colleges, public or
7 private institutions of higher education, and other state agencies.

8 Sec. 784.004. TRAINING. The commission shall ensure that
9 each emergency response team member of a local emergency response
10 network receives appropriate and current training regarding:

11 (1) the provision of critical incident stress
12 management services or crisis response services; and

13 (2) commission rules adopted to ensure consistency in
14 the statewide delivery of those services.

15 Sec. 784.005 ~~[784.002]~~. CLOSED MEETINGS. (a) Except as
16 provided by Subsection (b) and notwithstanding Chapter 551,
17 Government Code, or any other law, a meeting in which critical
18 incident stress management services or crisis response services are
19 provided by an emergency response team member ~~[to an emergency~~
20 ~~service provider]~~:

21 (1) is closed to the general public; and

22 (2) may be closed to any individual who was not
23 directly involved in the critical incident or crisis.

24 (b) Subsection (a) does not apply if a person receiving the
25 services ~~[+~~

26 ~~[(1) the emergency service provider]~~ or the legal
27 representative of that person ~~[the provider]~~ expressly agrees that

1 the meeting may be open to the general public or to certain
2 individuals[~~, or~~

3 [~~(2) the emergency service provider is deceased~~].

4 Sec. 784.006 [~~784.003~~]. CONFIDENTIALITY. (a) Except as
5 otherwise provided by this section:

6 (1) a communication made by a victim, a family member
7 of a victim, or an emergency service provider to an emergency
8 response team member while receiving [~~the provider receives~~]
9 critical incident stress management services or crisis response
10 services is confidential and may not be disclosed in a civil,
11 criminal, or administrative proceeding; and

12 (2) a record kept by a person who receives critical
13 incident stress management services or crisis response services
14 from an emergency response team member relating to the provision of
15 those services [~~critical incident stress management services or~~
16 ~~crisis response services to an emergency service provider by the~~
17 ~~team~~] is confidential and is not subject to subpoena, discovery, or
18 introduction into evidence in a civil, criminal, or administrative
19 proceeding.

20 (b) A court in a civil or criminal case or the
21 decision-making entity in an administrative proceeding may allow
22 disclosure of a communication or record described by Subsection (a)
23 if the court or entity finds that the benefit of allowing disclosure
24 of the communication or record is more important than protecting
25 the privacy of the individual.

26 (c) A communication or record described by Subsection (a) is
27 not confidential if:

1 (1) the emergency response team member reasonably
2 needs to make an appropriate referral of the person receiving
3 critical incident stress management services or crisis response
4 services [~~emergency service provider~~] to or consult about that
5 person [~~the provider~~] with another member of the team or an
6 appropriate professional associated with the team;

7 (2) the communication conveys information that the
8 person receiving critical incident stress management services or
9 crisis response services [~~emergency service provider~~] is or appears
10 to be an imminent threat to the provider or anyone else;

11 (3) the communication conveys information relating to
12 a past, present, or future criminal act that does not directly
13 relate to the critical incident or crisis;

14 (4) the person receiving critical incident stress
15 management services or crisis response services [~~emergency service~~
16 ~~provider~~] or the legal representative of that person [~~the provider~~]
17 expressly agrees that the communication or record is not
18 confidential; or

19 (5) the person receiving critical incident stress
20 management services or crisis response services [~~emergency service~~
21 ~~provider~~] is deceased.

22 (d) A communication or record described by Subsection (a) is
23 not confidential to the extent that it conveys information
24 concerning the services and care provided to or withheld by an [~~the~~]
25 emergency service provider to an individual injured in the critical
26 incident or during the crisis.

27 Sec. 784.007 [~~784.004~~]. LIMITATION ON LIABILITY. (a)

1 Except as provided by Subsection (b), an emergency response team or
2 an emergency response team member providing critical incident
3 stress management services or crisis response services is not
4 liable for damages, including personal injury, wrongful death,
5 property damage, or other loss related to the team's or member's
6 act, error, or omission in the performance of the services, unless
7 the act, error, or omission constitutes wanton, wilful, or
8 intentional misconduct.

9 (b) Subsection (a) limits liability for damages in any civil
10 action, other than an action under Chapter 74, Civil Practice and
11 Remedies Code.

12 Sec. 784.008. RULES. The executive commissioner shall
13 adopt rules necessary to administer this chapter.

14 SECTION 2.24. Section 772.0074(e), Government Code, is
15 amended to read as follows:

16 (e) Critical incident stress debriefing provided using
17 money distributed under the grant program is subject to the
18 confidentiality protections provided under Section 784.006
19 [~~784.003~~], Health and Safety Code.

20 SECTION 2.25. (a) A joint interim committee is created to
21 study, review, and report on statutes involving protective orders
22 that provide for a court to temporarily prohibit a person from
23 possessing a firearm, and to propose necessary statutory reforms as
24 provided by Subsection (g) of this section.

25 (b) The joint interim committee is composed of three
26 senators appointed by the lieutenant governor and three members of
27 the house of representatives appointed by the speaker of the house

1 of representatives.

2 (c) The lieutenant governor and speaker of the house of
3 representatives each shall designate a co-chair from among the
4 joint interim committee members.

5 (d) The joint interim committee shall convene at the joint
6 call of the co-chairs.

7 (e) The joint interim committee has all other powers and
8 duties provided to a special or select committee by the rules of the
9 senate and house of representatives, by Subchapter B, Chapter 301,
10 Government Code, and by policies of the senate and house committees
11 on administration.

12 (f) The joint interim committee shall study any relevant
13 information, including protective order laws of this and other
14 states that provide for a court to temporarily remove a person's
15 ability to possess a firearm if that person's possession of a
16 firearm poses a risk of harm to self or others.

17 (g) The joint interim committee shall propose statutory
18 reforms based on the study required under Subsection (f) of this
19 section as necessary to ensure that courts are able to quickly
20 identify a person whose possession of a firearm poses a risk of harm
21 to self or others and temporarily remove that person's ability to
22 possess a firearm, while maintaining the highest standards of due
23 process to prevent infringement on a person's right to lawfully own
24 a firearm.

25 (h) Not later than December 1, 2020, the joint interim
26 committee shall submit to the lieutenant governor, the speaker of
27 the house of representatives, and the governor a report containing

1 the committee's recommendations of specific statutory changes that
2 appear necessary from the committee's study made under Subsection
3 (g) of this section.

4 (i) Not later than the 60th day after the effective date of
5 this Act, the lieutenant governor and speaker of the house of
6 representatives shall appoint the members of the joint interim
7 committee in accordance with Subsection (b) of this section.

8 (j) The joint interim committee is abolished and this
9 section expires January 1, 2021.

10 ARTICLE 3. CRIMINAL HISTORY, MENTAL HEALTH RECORDS, AND ACCESS TO
11 FIREARMS

12 SECTION 3.01. Subchapter C, Chapter 72, Government Code, is
13 amended by adding Section 72.0305 to read as follows:

14 Sec. 72.0305. STATEWIDE CASE MANAGEMENT SYSTEM. (a) The
15 office shall implement a statewide case management system:

16 (1) to provide to counties, the Department of Public
17 Safety, and other state agencies, as determined by the office,
18 immediate access to judicial case information; and

19 (2) for timely reporting of criminal history and
20 mental health records and domestic violence protective orders for
21 background checks.

22 (b) The statewide case management system must:

23 (1) include each document or pleading filed for a
24 felony criminal matter, mental health adjudication, or domestic
25 violence protective order in a state court unless electronic filing
26 for the document or pleading is prohibited under any other law;

27 (2) allow state court judges access to the system for

1 criminal offense sentencing determinations or to perform other
2 duties assigned by law;

3 (3) allow counties, the Department of Public Safety,
4 and other state agencies, as determined by the office, access to
5 information in the system necessary to perform duties assigned by
6 law;

7 (4) automatically deliver arrest and conviction
8 information, mental health adjudication records, and domestic
9 violence protective order information to counties, the Department
10 of Public Safety, and other state agencies, as determined by the
11 office, as necessary to perform duties assigned by law;

12 (5) maximize the automation and transmission of
13 criminal history and mental health records to the National Instant
14 Criminal Background Check System operated by the Federal Bureau of
15 Investigation and any other state or national criminal and mental
16 health record repositories determined by the office to be
17 appropriate;

18 (6) to the extent feasible, integrate with the
19 electronic filing system established under Section [72.031](#);

20 (7) provide a method for archiving expired domestic
21 violence protection orders;

22 (8) provide privacy protections for sealed records and
23 other records protected by law;

24 (9) limit system access to persons who have undergone
25 training in the proper use of information provided by the system;

26 (10) capture case statistics and other necessary
27 judicial information as determined by the office, including

1 information on the use of reentry and diversion programs, bail
2 amounts and conditions, and recidivism; and

3 (11) share the statistics and information captured
4 under Subdivision (10) with appropriate state agencies as
5 determined by the office.

6 (c) The office may contract with a person to establish and
7 maintain the statewide case management system. The office shall
8 initially focus on establishing the system in counties with a
9 population of less than 20,000 and expand the system to larger
10 counties as time and money allow.

11 (d) The office shall seek to obtain all available federal
12 money to implement the statewide case management system.

13 (e) Information in the statewide case management system is
14 exempt from disclosure under Chapter 552.

15 (f) The Department of Public Safety shall assist the office
16 in implementing the statewide case management system and ensuring
17 the system interacts with existing state and national criminal and
18 mental health record repositories. The office and department may
19 enter into a memorandum of understanding stating the duties of each
20 agency in implementing the system.

21 (g) Not later than December 1 of each even-numbered year,
22 the office shall submit to the legislature and Legislative Budget
23 Board a report on the statewide case management system, including a
24 financial report detailing any additional state money needed.

25 SECTION 3.02. Sections 411.052(a), (b), and (e), Government
26 Code, are amended to read as follows:

27 (a) In this section:

1 (1) "Family violence misdemeanor" means a misdemeanor
2 crime of domestic violence under 18 U.S.C. Section 921.

3 (2) "Federal~~[, — "federal]~~ prohibited person
4 information" means information that identifies an individual as:

5 (A) ~~[(1)]~~ a person ordered by a court to receive
6 inpatient mental health services under Chapter 574, Health and
7 Safety Code;

8 (B) ~~[(2)]~~ a person acquitted in a criminal case
9 by reason of insanity or lack of mental responsibility, regardless
10 of whether the person is ordered by a court to receive inpatient
11 treatment or residential care under Chapter 46C, Code of Criminal
12 Procedure;

13 (C) ~~[(3)]~~ a person determined to have an
14 intellectual disability ~~[mental retardation]~~ and committed by a
15 court for long-term placement in a residential care facility under
16 Chapter 593, Health and Safety Code;

17 (D) ~~[(4)]~~ an incapacitated adult individual for
18 whom a court has appointed a guardian of the individual under Title
19 3, Estates Code, based on the determination that the person lacks
20 the mental capacity to manage the person's affairs; ~~[or]~~

21 (E) ~~[(5)]~~ a person determined to be incompetent
22 to stand trial under Chapter 46B, Code of Criminal Procedure;

23 (F) a person convicted of or placed on deferred
24 adjudication community supervision for a felony;

25 (G) a person convicted of or placed on deferred
26 adjudication community supervision for a family violence
27 misdemeanor;

1 (H) a person subject to a protective order under
2 Chapter 85, Family Code; or

3 (I) a person subject to a magistrate's order for
4 emergency protection under Article 17.292, Code of Criminal
5 Procedure, based on an arrest for an offense involving family
6 violence.

7 (b) The department by rule shall establish a procedure to
8 promptly provide federal prohibited person information to the
9 Federal Bureau of Investigation for use with the National Instant
10 Criminal Background Check System. Except as otherwise provided by
11 state law, the department may disseminate federal prohibited person
12 information under this subsection only to the extent necessary to
13 allow the Federal Bureau of Investigation to collect and maintain a
14 list of persons who are prohibited under federal law from engaging
15 in certain activities with respect to a firearm.

16 (e) The department by rule shall establish a procedure to
17 correct department records and transmit those corrected records to
18 the Federal Bureau of Investigation when a person provides:

19 (1) a copy of a judicial order or finding that a person
20 is no longer an incapacitated adult or is entitled to relief from
21 disabilities under Section 574.088, Health and Safety Code; [~~or~~]

22 (2) proof that the person has obtained notice of
23 relief from disabilities under 18 U.S.C. Section 925;

24 (3) proof that the person is no longer ineligible to
25 possess a firearm based on the commission of a felony or a family
26 violence misdemeanor; or

27 (4) proof that the person is no longer subject to a

1 protective order under Chapter 85, Family Code, or a magistrate's
2 order for emergency protection under Article 17.292, Code of
3 Criminal Procedure.

4 SECTION 3.03. Section 411.0521, Government Code, is amended
5 by amending Subsections (a), (b), and (d) and adding Subsection
6 (a-1) to read as follows:

7 (a) The clerk of the court shall prepare and forward to the
8 department the information described by Subsection (b) not later
9 than 48 hours [~~the 30th day~~] after the time [~~date~~] the court:

10 (1) orders a person to receive inpatient mental health
11 services under Chapter 574, Health and Safety Code;

12 (2) acquits a person in a criminal case by reason of
13 insanity or lack of mental responsibility, regardless of whether
14 the person is ordered to receive inpatient treatment or residential
15 care under Chapter 46C, Code of Criminal Procedure;

16 (3) commits a person determined to have an
17 intellectual disability [~~mental retardation~~] for long-term
18 placement in a residential care facility under Chapter 593, Health
19 and Safety Code;

20 (4) appoints a guardian of the incapacitated adult
21 individual under Title 3, Estates Code, based on the determination
22 that the person lacks the mental capacity to manage the person's
23 affairs;

24 (5) determines a person is incompetent to stand trial
25 under Chapter 46B, Code of Criminal Procedure; [~~or~~]

26 (6) finds a person is entitled to relief from
27 disabilities under Section 574.088, Health and Safety Code;

1 (7) issues a protective order under Chapter 85, Family
2 Code; or

3 (8) issues a magistrate's order for emergency
4 protection under Article 17.292, Code of Criminal Procedure, based
5 on an arrest for an offense involving family violence.

6 (a-1) The clerk of the court shall prepare and forward to
7 the department the information described by Subsection (b) not
8 later than the 15th day after the date the court:

9 (1) enters a judgment of conviction or an order of
10 deferred adjudication community supervision with respect to a
11 felony; or

12 (2) enters a judgment of conviction or an order of
13 deferred adjudication community supervision with respect to a
14 family violence misdemeanor as defined by Section 411.052.

15 (b) The clerk of the court shall prepare and forward the
16 following information under Subsection (a) or (a-1):

17 (1) the complete name, race, and sex of the person;

18 (2) any known identifying number of the person,
19 including social security number, driver's license number, or state
20 identification number;

21 (3) the person's date of birth; and

22 (4) the federal prohibited person information that is
23 the basis of the report required by this section.

24 (d) If an order previously reported to the department under
25 Subsection (a) or (a-1) is reversed by order of any court, the clerk
26 shall notify the department of the reversal not later than 30 days
27 after the clerk receives the mandate from the appellate court.

1 SECTION 3.04. Section 46.13(a), Penal Code, is amended by
2 amending Subdivision (1) and adding Subdivision (2-a) to read as
3 follows:

4 (1) "Child" means a person younger than 18 [~~17~~] years
5 of age.

6 (2-a) "School" means a private or public primary or
7 secondary school.

8 SECTION 3.05. Sections 46.13(b), (c), (d), and (g), Penal
9 Code, are amended to read as follows:

10 (b) A person commits an offense if:

11 (1) [~~a child gains access to a readily dischargeable~~
12 ~~firearm and~~] the person, with criminal negligence:

13 (A) fails [~~(1) failed~~] to secure a readily
14 dischargeable [~~the~~] firearm; or

15 (B) leaves a readily dischargeable [~~(2) left~~
16 ~~the~~] firearm in a place to which the person knew or should have
17 known a [~~the~~] child would gain access; and

18 (2) a child gains access to the firearm and:

19 (A) brings the firearm:

20 (i) in or on any real property owned by or
21 rented or leased to a school, school board, or other governing body
22 of a school; or

23 (ii) on a school bus; or

24 (B) discharges the firearm causing death or
25 serious bodily injury to the child or another person.

26 (c) It is an affirmative defense to prosecution under this
27 section that the child's access to the firearm:

1 (1) was supervised by a person older than 18 years of
2 age and was for hunting, sporting, or other lawful purposes;

3 (2) consisted of lawful defense by the child of people
4 or real or personal property;

5 (3) was gained by entering real or personal property,
6 including a vehicle, in violation of this code; or

7 (4) occurred during a time when the actor was engaged
8 in an agricultural enterprise.

9 (d) An [~~Except as provided by Subsection (e), an~~] offense
10 under this section is a Class A [~~C~~] misdemeanor except that an
11 offense described by Subsection (b)(2)(B) is a felony of the third
12 degree.

13 (g) A dealer of firearms shall post in a conspicuous
14 position on the premises where the dealer conducts business a sign
15 that contains the following warning in block letters not less than
16 one inch in height:

17 "IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED
18 FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN
19 ACCESS TO THE FIREARM. VIOLATION MAY RESULT IN CRIMINAL AND CIVIL
20 LIABILITY."

21 SECTION 3.06. Chapter 46, Penal Code, is amended by adding
22 Section 46.16 to read as follows:

23 Sec. 46.16. FAILURE TO REPORT STOLEN FIREARM. (a) A person
24 commits an offense if the person:

25 (1) owns a firearm that is subsequently stolen from
26 the person; and

27 (2) fails to report the theft to a peace officer or law

1 enforcement agency on or before the 10th day after the date the
2 person became aware the firearm was stolen.

3 (b) An offense under this section is a Class C misdemeanor.

4 (c) If conduct constituting an offense under this section
5 also constitutes an offense under another section of this code, the
6 actor may be prosecuted under either section or under both
7 sections.

8 SECTION 3.07. Section 46.13(e), Penal Code, is repealed.

9 SECTION 3.08. As soon as practicable after the effective
10 date of this Act, the Office of Court Administration of the Texas
11 Judicial System shall:

12 (1) develop a plan for implementing the statewide case
13 management system required by Section 72.0305, Government Code, as
14 added by this article;

15 (2) estimate the cost of implementing and operating
16 the system; and

17 (3) apply for all federal money available for
18 implementing and operating the system, including money available
19 under the Fix NICS Act of 2018 (Pub. L. No. 115-141).

20 SECTION 3.09. The changes in law made by this article to
21 Sections 411.052 and 411.0521, Government Code, apply only to a
22 judgment or order entered or issued on or after the effective date
23 of this Act. A judgment or order entered or issued before the
24 effective date of this Act is governed by the law in effect on the
25 date the judgment or order was entered or issued, and the former law
26 is continued in effect for that purpose.

27 SECTION 3.10. Section 46.16(a), Penal Code, as added by

1 this article, applies only to a firearm that is stolen on or after
2 the effective date of this Act. A firearm that was stolen before
3 the effective date of this Act is governed by the law in effect on
4 the date the firearm was stolen, and the former law is continued in
5 effect for that purpose.

6 SECTION 3.11. The changes in law made by this article to
7 Section 46.13, Penal Code, apply only to an offense committed on or
8 after the effective date of this Act. An offense committed before
9 the effective date of this Act is governed by the law in effect on
10 the date the offense was committed, and the former law is continued
11 in effect for that purpose. For purposes of this section, an
12 offense was committed before the effective date of this Act if any
13 element of the offense occurred before that date.

14 ARTICLE 4. CONFLICT OF LAW; EFFECTIVE DATE

15 SECTION 4.01. To the extent of any conflict, this Act
16 prevails over another Act of the 86th Legislature, Regular Session,
17 2019, relating to nonsubstantive additions to and corrections in
18 enacted codes.

19 SECTION 4.02. This Act takes effect September 1, 2019.