

BILL ANALYSIS

Senate Research Center

S.B. 741
By: Birdwell
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background:

Under current law, the board of trustees of a school district or the governing body of an open-enrollment charter school may appoint one or more school marshals for each campus. School marshals are required to be an employee of the school district or open-enrollment charter school, and must undergo a training program to acquire a school marshal license.

A school marshal is allowed to carry or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the board of trustees or the governing body. Any written regulations adopted by a board of trustees or governing body must provide that a school marshal may carry a concealed handgun unless the primary duty of the school marshal involves regular, direct contact with students. If the school marshal's primary duty does involve regular, direct contact with students, the handgun must be kept in a locked and secured safe on the physical premises of the school. School marshals are only authorized to access a handgun under circumstances that would justify the use of deadly force.

These regulations are applied in the same manner to school marshals of private schools as well as public junior colleges.

Purpose:

In the event that a situation occurs on a school campus that would necessitate the access and use of a handgun by a school marshal, it is imperative that the handgun be accessed as quickly as possible because if the need for the school marshal to respond arises, time is of the essence.

S.B. 741 amends current law relating to the carrying or storage of a handgun by a school marshal.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 37.0811(c), (d), and (e), Education Code, as follows:

(c) Authorizes a school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school to carry a concealed handgun or possess a handgun, rather than carry or possess a handgun, on the physical premises of a school, but only in a certain manner and at a school as specified by the board of trustees or the governing body.

(d) Requires that any written regulations adopted for purposes of Subsection (c) provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location. Deletes existing text providing that if the primary duty

of the school marshal involves regular, direct contact with students, the marshal is prohibited from carrying a concealed handgun but is authorized to possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. Makes conforming and nonsubstantive changes.

(e) Authorizes a school marshal to use, rather than access, a handgun the school marshal is authorized to carry or possess under Section 37.0811 (School Marshals: Public Schools) only under circumstances that would justify the use of deadly force under Section 9.32 (Deadly Force in Defense of Person) or 9.33 (Defense of Third Person), Penal Code.

SECTION 2. Amends Section 37.0813(c), (d), and (e), Education Code, as follows:

(c) Authorizes a school marshal appointed by the governing body of a private school to carry a concealed handgun or possess a handgun, rather than carry or possess a handgun, on the physical premises of a school, but only in the manner provided by written regulations adopted by the governing body.

(d) Requires that any written regulations adopted for purposes of Subsection (c) provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location. Deletes existing text providing that if the primary duty of the school marshal involves regular, direct contact with students in a classroom setting, the marshal is prohibited from carrying a concealed handgun but is authorized to possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. Makes conforming and nonsubstantive changes.

(e) Authorizes a school marshal to use, rather than access, a handgun the school marshal is authorized to carry or possess under Section 37.0813 (School Marshals: Private Schools) only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 3. Amends Sections 51.220(d), (e), and (f), Education Code, as follows:

(d) Authorizes a school marshal appointed by the governing board of a public junior college to carry a concealed handgun or possess a handgun, rather than carry or possess a handgun, on the physical premises of public junior college campus, but only in certain manners provided or specified by the governing board.

(e) Requires that any written regulations adopted for purposes of Subsection (d) provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a public junior college campus in a locked and secured safe or other locked and secured location. Deletes existing text providing that if the primary duty of the school marshal involves regular, direct contact with students, the marshal is prohibited from carrying a concealed handgun but is authorized to possess a handgun on the physical premises of a public junior college campus in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. Makes conforming and nonsubstantive changes.

(f) Authorizes a school marshal to use, rather than access, a handgun the school marshal is authorized to carry or possess under Section 51.220 (Public Junior College School Marshals) only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 4. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 5. Effective date: upon passage or September 1, 2021.