87R1663 TSS-D

By:  Swanson H.B. No. 55

A BILL TO BE ENTITLED

AN ACT

relating to the carrying and possession of a concealed handgun by a school marshal.

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

SECTION 1.  Section 37.0811(d), Education Code, is amended to read as follows:

(d)  Any written regulations adopted for purposes of Subsection (c):

(1)  must:

(A)  authorize [~~provide that~~] a school marshal to [~~may~~] carry a concealed handgun on or about the marshal's person; and

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

(2)  may not require a school marshal to store the handgun in a locked and secured safe or other location while on duty.

SECTION 2.  Section 37.0813(d), Education Code, is amended to read as follows:

(d)  Any written regulations adopted for purposes of Subsection (c) must:

(1)  provide that a school marshal may carry a concealed handgun as described by Subsection (c); and

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

SECTION 3.  Section 51.220(e), Education Code, is amended to read as follows:

(e)  Any written regulations adopted for purposes of Subsection (d):

(1)  must:

(A)  authorize [~~provide that~~] a school marshal to [~~may~~] carry a concealed handgun on or about the marshal's person; and

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

(2)  may not require a school marshal to store the handgun in a locked and secured safe or other location while on duty.

SECTION 4.  This Act applies beginning with the 2021-2022 academic year.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.