

By: Hefner

H.B. No. 1788

A BILL TO BE ENTITLED

AN ACT

relating to immunity from liability of public and private schools and security personnel employed by those schools for certain actions of security personnel.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.087 to read as follows:

Sec. 37.087. IMMUNITY FROM LIABILITY. (a) In this section:

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

(2) "Security personnel" includes:

(A) a school district peace officer;

(B) a school marshal;

(C) a school resource officer; and

(D) a retired peace officer who:

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

(ii) volunteers to provide security services to the school district, open-enrollment charter school, or private school.

(b) A school district, open-enrollment charter school, or private school is immune from liability for any damages resulting from any reasonable action taken by security personnel to maintain

1 the safety of the school campus, including action relating to
2 possession or use of a firearm.

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

10 (d) Any security personnel employed by a school district,
11 open-enrollment charter school, or private school is immune from
12 liability for any damages resulting from any reasonable action
13 taken by the security personnel to maintain the safety of the school
14 campus, including action relating to possession or use of a
15 firearm.

16 (e) The statutory immunity provided by this section is in
17 addition to and does not preempt the common law doctrine of official
18 and governmental immunity. To the extent that another statute
19 provides greater immunity to a school district, open-enrollment
20 charter school, or private school than this section, that statute
21 prevails.

22 SECTION 2. This Act applies beginning with the 2021-2022
23 school year.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.