

1-1 By: Hefner (Senate Sponsor - Hughes) H.B. No. 1788
 1-2 (In the Senate - Received from the House April 20, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on
 1-4 Education; May 19, 2021, reported favorably by the following vote:
 1-5 Yeas 7, Nays 4; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio		X		
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes	X			
1-12 Menéndez		X		
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell		X		
1-16 Schwertner	X			
1-17 West		X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to immunity from liability of public and private schools
 1-22 and security personnel employed by those schools for certain
 1-23 actions of security personnel.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter C, Chapter 37, Education Code, is
 1-26 amended by adding Section 37.087 to read as follows:

1-27 Sec. 37.087. IMMUNITY FROM LIABILITY. (a) In this section:

1-28 (1) "Retired peace officer" has the meaning assigned
 1-29 by Section 1701.3161, Occupations Code.

1-30 (2) "Security personnel" includes:

1-31 (A) a school district peace officer;

1-32 (B) a school marshal;

1-33 (C) a school resource officer; and

1-34 (D) a retired peace officer who:

1-35 (i) has been hired by a school district,
 1-36 open-enrollment charter school, or private school to provide
 1-37 security services; or

1-38 (ii) volunteers to provide security
 1-39 services to the school district, open-enrollment charter school, or
 1-40 private school.

1-41 (b) A school district, open-enrollment charter school, or
 1-42 private school is immune from liability for any damages resulting
 1-43 from any reasonable action taken by security personnel to maintain
 1-44 the safety of the school campus, including action relating to
 1-45 possession or use of a firearm.

1-46 (c) A school district, open-enrollment charter school, or
 1-47 private school is immune from liability as provided by Subsection
 1-48 (b) for any damages resulting from any reasonable action taken by a
 1-49 school district, open-enrollment charter school, or private school
 1-50 employee who has written permission from the board of trustees of
 1-51 the school district or the governing body of the open-enrollment
 1-52 charter school or the private school to carry a firearm on campus.

1-53 (d) Any security personnel employed by a school district,
 1-54 open-enrollment charter school, or private school is immune from
 1-55 liability for any damages resulting from any reasonable action
 1-56 taken by the security personnel to maintain the safety of the school
 1-57 campus, including action relating to possession or use of a
 1-58 firearm.

1-59 (e) The statutory immunity provided by this section is in
 1-60 addition to and does not preempt the common law doctrine of official
 1-61 and governmental immunity. To the extent that another statute

2-1 provides greater immunity to a school district, open-enrollment
2-2 charter school, or private school than this section, that statute
2-3 prevails.

2-4 SECTION 2. This Act applies beginning with the 2021-2022
2-5 school year.

2-6 SECTION 3. This Act takes effect immediately if it receives
2-7 a vote of two-thirds of all the members elected to each house, as
2-8 provided by Section 39, Article III, Texas Constitution. If this
2-9 Act does not receive the vote necessary for immediate effect, this
2-10 Act takes effect September 1, 2021.

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