

By: Birdwell

S.B. No. 741

A BILL TO BE ENTITLED

AN ACT

relating to the carrying or storage of a handgun by a school marshal.

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

SECTION 1. Sections 37.0811(c), (d), and (e), Education Code, are amended to read as follows:

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may carry a concealed handgun or possess a handgun on the physical premises of a school, but only:

(1) in the manner provided by written regulations adopted by the board of trustees or the governing body; and

(2) at a specific school as specified by the board of trustees or governing body, as applicable.

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a school marshal may carry a concealed handgun on the school marshal's person or ~~[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 the ~~[a]~~ handgun on the physical premises of a school in a locked and secured safe or other locked and secured location ~~[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

1 by ~~[or within access of]~~ a school marshal may be loaded only with  
2 frangible duty ammunition approved for that purpose by the Texas  
3 Commission on Law Enforcement.

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

8 SECTION 2. Sections 37.0813(c), (d), and (e), Education  
9 Code, are amended to read as follows:

10 (c) A school marshal appointed by the governing body of a  
11 private school may carry a concealed handgun or possess a handgun on  
12 the physical premises of a school, but only in the manner provided  
13 by written regulations adopted by the governing body.

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

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

5 SECTION 3. Sections 51.220(d), (e), and (f), Education  
6 Code, are amended to read as follows:

7 (d) A school marshal appointed by the governing board of a  
8 public junior college may carry a concealed handgun or possess a  
9 handgun on the physical premises of a public junior college campus,  
10 but only:

11 (1) in the manner provided by written regulations  
12 adopted by the governing board; and

13 (2) at a specific public junior college campus as  
14 specified by the governing board.

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

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

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

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