

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.

S.B. No. 741

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 741 passed the Senate on May 3, 2021, by the following vote: Yeas 18, Nays 12.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 741 passed the House on May 25, 2021, by the following vote: Yeas 91, Nays 53, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor