

BILL ANALYSIS

C.S.H.B. 249
By: Rogers
Youth Health & Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The availability of qualified school security personnel has declined in recent years and resulted in slower emergency response times to incidents involving schools, particularly in rural areas of Texas. C.S.H.B. 249 seeks to address this issue by allowing a public school district and an open-enrollment charter school in a county with a population of less than 200,000 to design a plan for veterans or qualified law enforcement officers who have undergone criminal history background checks to volunteer to provide campus security.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 249 amends the Education Code to authorize the board of trustees of an applicable independent school district or the governing body of an applicable open-enrollment charter school to approve a school security volunteer program under which the district or charter school provides written regulations or written authorization for eligible persons to serve as security volunteers by:

- providing security services on school grounds, including any location in which an activity sponsored by the district or school is being conducted, and in school vehicles; and
- carrying a handgun in providing such security services.

The bill applies only to a school district or open-enrollment charter school located in a county with a population of less than 200,000.

C.S.H.B. 249 establishes that a person is eligible to serve as a school security volunteer if the board or governing body determines the person is eligible based on a criminal history background check obtained by the district or school in accordance with applicable state law, and the person is:

- a veteran under driver's license provisions of the Transportation Code; or
- an honorably retired law enforcement officer who meets certain federal statutory requirements.

A person is not eligible if the person is any of the following:

- an employee of the district or charter school;
- a contractor providing services under a contract with the district or charter school; or

- a person who otherwise receives compensation or remuneration from the district or charter school.

C.S.H.B. 249 provides the following:

- a district that approves such a program must include the program in the district's multihazard emergency operations plan and provide to each security volunteer a course of instruction on that plan and on the district's safety and security policies; and
- a charter school that approves a program must do the following:
 - adopt and implement measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement agencies, health departments, and fire departments in an emergency; and
 - provide to each security volunteer a course of instruction on the charter school's safety and security policies.

C.S.H.B. 249 grants a school security volunteer immunity from civil liability to the same extent as a professional employee of a district for acts incident to or within the scope of employment, but the bill expressly does not limit the liability of a person for intentional misconduct or gross negligence.

C.S.H.B. 249 amends the Occupations Code to exempt a school security volunteer from the Private Security Act.

C.S.H.B. 249 applies beginning with the 2023-2024 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 249 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute raises the cap on the population of a county to which the bill's provisions apply from 150,000, as in the introduced, to 200,000.