

BILL ANALYSIS

Senate Research Center
88R16692 JTZ-D

C.S.S.B. 357
By: Hall
Education
4/5/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To increase school safety, the state must look at a multitude of approaches in order to adequately address the issue. One approach is to expand who can currently serve as a contracted school safety officer. Under the Texas Education Code Section 37.081(a), only commissioned peace officers may serve as contracted safety officers for school, and by very definition may only serve in the school when not on duty with their respective police force. This severely limits who may serve as contracted security personnel on school campuses, despite the fact that there are many retired personnel who are amply qualified to fulfill these rolls.

This bill:

Expands the definition of who can serve as a school district peace officer to include honorably retired peace officers.

Keeps in place all training and vetting requirements for eligible candidates.

S.B. 357 would allow honorably retired peace officers to serve their school districts, adding to school security without dropping the necessary requirements for the role.

Committee Substitute:

- The committee substitute requires that honorably retired peace officers meet all Texas Commission on Law Enforcement (TCOLE) requirements under Occupations Code Sections 1701.351 and 1701.352, based on their certification level, to keep their license in active status. Honorably retired peace officers must keep their commission in active status in order to be eligible for this section.

C.S.S.B. 357 amends current law relating to the employment of honorably retired peace officers as school district security personnel and the applicability to those officers of certain law governing private security.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.081, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires a person employed as security personnel to be a commissioned police officer or an honorably retired peace officer, as that term is defined by Section 614.121 (Definitions), Government Code, if a board of trustees of a school district authorizes the person to carry a weapon.

(a-1) Requires an honorably retired peace officer employed as security personnel under Subsection (a), to:

(1) keep their commission in active status; and

(2) fulfill all applicable requirements under Sections 1701.351 (Continuing Education Required for Peace Officers) and 1701.352 (Continuing Education Programs), Occupations Code.

SECTION 2. Amends Section 1702.322, Occupations Code, as follows:

Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. Provides that Chapter 1702 (Private Security) does not apply to:

(1) a person who is a peace officer or an honorably retired peace officer, as that term is defined by Section 614.121, Government Code, rather than a person who has full-time employment as a peace officer, and who receives compensation for private employment on an individual or an independent contractor basis as patrolman, guard, extra job coordinator, or watchman if the officer:

(A)-(B) makes no changes to these paragraphs;

(C) is compensated at least at the minimum wage, rather than is not a reserve peace officer, by:

(i) for a peace officer, the state or a political subdivision of the state; or

(ii) for an honorably retired peace officer, a school district; and

(D) is entitled to all employee benefits offered to a peace officer by the state or political subdivision described by Paragraph (C), rather than works as a peace officer on the average of at least 32 hours a week, is compensated by the state or political subdivision of the state at least at the minimum wage, and is entitled to all the employee benefits offered to a peace officer by the state or political subdivision; or

(2)-(4) makes no changes to these subdivisions.

SECTION 3. Effective date: upon passage or September 1, 2023.