88R14168 PRL-D

By:  Isaac H.B. No. 4470

A BILL TO BE ENTITLED

AN ACT

relating to school marshals, including eligibility for appointment as a school marshal, and licensure and training requirements.

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

SECTION 1.  Article 2.127(d), Code of Criminal Procedure, is amended to read as follows:

(d)  A person may not serve as a school marshal unless the person is:

(1)  either:

(A)  licensed under Section 1701.260, Occupations Code; or

(B)  a school volunteer who is:

(i)  an honorably discharged veteran or active duty member of the armed forces of the United States;

(ii)  a peace officer;

(iii)  a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code; or

(iv)  a retired peace officer, as defined by Section 1701.3161, Occupations Code; and

(2)  appointed by:

(A)  the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(B)  the governing body of a private school under Section 37.0813, Education Code; or

(C)  the governing board of a public junior college under Section 51.220, Education Code.

SECTION 2.  Section 37.0811, Education Code, is amended by amending Subsections (b), (f), and (h) and adding Subsection (b-1) to read as follows:

(b)  The board of trustees of a school district or the governing body of an open-enrollment charter school may select for appointment as a school marshal under this section an applicant who is either:

(1)  an employee of the school district or open-enrollment charter school and certified as eligible for appointment under Section 1701.260, Occupations Code; or

(2)  a school district or open-enrollment charter school volunteer who is:

(A)  an honorably discharged veteran or active duty member of the armed forces of the United States;

(B)  a peace officer;

(C)  a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code; or

(D)  a retired peace officer, as defined by Section 1701.3161, Occupations Code.

(b-1)  The board of trustees of a school district or the governing body of an open-enrollment charter school may, but shall not be required to, reimburse the amount paid by an [~~the~~] applicant for appointment as a school marshal to participate in the training program under Section 1701.260, Occupations Code [~~that section~~].

(f)  A person's [~~school district or charter school employee's~~] status as a school marshal becomes inactive on:

(1)  expiration of the person's [~~employee's~~] school marshal license under Section 1701.260, Occupations Code, if the person is required to hold that license as a condition of the person's school marshal license;

(2)  suspension or revocation of the person's [~~employee's~~] license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, if the person is required to hold that license as a condition of the person's school marshal license under Section 1701.260, Occupations Code;

(3)  termination of the person's [~~employee's~~] employment or volunteer service, as applicable, with the district or charter school; or

(4)  notice from the board of trustees of the district or the governing body of the charter school that the person's [~~employee's~~] services as school marshal are no longer required.

(h)  If a parent or guardian of a student enrolled at a school inquires in writing, the school district or open-enrollment charter school shall provide the parent or guardian written notice indicating whether any person [~~employee of the school~~] is currently appointed a school marshal. The notice may not disclose information that is confidential under Subsection (g).

SECTION 3.  Sections 37.0813(b), (f), and (h), Education Code, are amended to read as follows:

(b)  The governing body of a private school may select for appointment as a school marshal under this section an applicant who is either:

(1)  an employee of the school and certified as eligible for appointment under Section 1701.260, Occupations Code; or

(2)  a school volunteer who is:

(A)  an honorably discharged veteran or active duty member of the armed forces of the United States;

(B)  a peace officer;

(C)  a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code; or

(D)  a retired peace officer, as defined by Section 1701.3161, Occupations Code.

(f)  A person's [~~private school employee's~~] status as a school marshal becomes inactive on:

(1)  expiration of the person's [~~employee's~~] school marshal license under Section 1701.260, Occupations Code, if the person is required to hold that license as a condition of the person's school marshal license;

(2)  suspension or revocation of the person's [~~employee's~~] license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, if the person is required to hold that license as a condition of the person's school marshal license under Section 1701.260, Occupations Code;

(3)  termination of the person's [~~employee's~~] employment or volunteer service, as applicable, with the private school; or

(4)  notice from the governing body that the person's [~~employee's~~] services as school marshal are no longer required.

(h)  If a parent or guardian of a student enrolled at a private school inquires in writing, the school shall provide the parent or guardian written notice indicating whether any person [~~employee of the school~~] is currently appointed a school marshal. The notice may not disclose information that is confidential under Subsection (g).

SECTION 4.  Section 51.220, Education Code, is amended by amending Subsections (c), (g), and (i) and adding Subsection (c-1) to read as follows:

(c)  The governing board of a public junior college may select for appointment as a school marshal under this section an applicant who is either:

(1)  an employee of the public junior college and certified as eligible for appointment under Section 1701.260, Occupations Code; or

(2)  a volunteer of the public junior college who is:

(A)  an honorably discharged veteran or active duty member of the armed forces of the United States;

(B)  a peace officer;

(C)  a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code; or

(D)  a retired peace officer, as defined by Section 1701.3161, Occupations Code.

(c-1)  The governing board of a public junior college may, but shall not be required to, reimburse the amount paid by an [~~the~~] applicant for appointment as a school marshal to participate in the training program under Section 1701.260, Occupations Code [~~that section~~].

(g)  A person's [~~public junior college employee's~~] status as a school marshal becomes inactive on:

(1)  expiration of the person's [~~employee's~~] school marshal license under Section 1701.260, Occupations Code, if the person is required to hold that license as a condition of the person's school marshal license;

(2)  suspension or revocation of the person's [~~employee's~~] license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, if the person is required to hold that license as a condition of the person's school marshal license under Section 1701.260, Occupations Code;

(3)  termination of the person's [~~employee's~~] employment or volunteer service, as applicable, with the public junior college; or

(4)  notice from the governing board of the public junior college that the person's [~~employee's~~] services as school marshal are no longer required.

(i)  If a parent or guardian of a student enrolled at a public junior college inquires in writing, the governing board of the public junior college shall provide the parent or guardian written notice indicating whether any person [~~employee of the public junior college~~] is currently appointed a school marshal. The notice may not disclose information that is confidential under Subsection (h).

SECTION 5.  Section 1701.001(8), Occupations Code, is amended to read as follows:

(8)  "School marshal" means a person who:

(A)  is appointed to serve as a school marshal by:

(i)  the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(ii)  the governing body of a private school under Section 37.0813, Education Code; or

(iii)  the governing board of a public junior college under Section 51.220, Education Code;

(B)  is:

(i)  licensed under Section 1701.260;

(ii)  an honorably discharged veteran or active duty member of the armed forces of the United States;

(iii)  a peace officer;

(iv)  a reserve law enforcement officer; or

(v)  a retired peace officer, as defined by Section 1701.3161; and

(C)  has powers and duties described by Article 2.127, Code of Criminal Procedure.

SECTION 6.  Section 1701.260, Occupations Code, is amended by amending Subsections (a), (a-1), (b), (i), and (j) and adding Subsection (a-2) to read as follows:

(a)  The commission shall establish and maintain a training program open to any employee or volunteer of a school district, open-enrollment charter school, private school, or public junior college:

(1)  for an employee, who holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; or

(2)  for a volunteer, who is:

(A)  an honorably discharged veteran or active duty member of the armed forces of the United States;

(B)  a peace officer;

(C)  a reserve law enforcement officer, as defined by Section 1701.001; or

(D)  a retired peace officer, as defined by Section 1701.3161.

(a-1)  The training under the training program may be conducted only by the commission staff or a provider approved by the commission.

(a-2) [~~(a-1)~~]  In this section, "private school" has the meaning assigned by Article 2.127, Code of Criminal Procedure.

(b)  The commission shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment or volunteer service, as applicable.

(i)  The commission shall revoke the [~~a person's~~] school marshal license of a person described by Subsection (a)(1) if the commission is notified by the Department of Public Safety that the person's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1)  furnishing proof to the commission that the person's handgun license has been reinstated; and

(2)  completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

(j)  The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:

(1)  the director of the Department of Public Safety;

(2)  the [~~person's employer, if the person is employed by a~~] school district, open-enrollment charter school, private school, or public junior college at which the person is employed or volunteers;

(3)  the chief law enforcement officer of the local municipal law enforcement agency if the person is employed or volunteers at a campus of a school district, open-enrollment charter school, private school, or public junior college located within a municipality;

(4)  the sheriff of the county if the person is employed or volunteers at a campus of a school district, open-enrollment charter school, private school, or public junior college that is not located within a municipality; and

(5)  the chief administrator of any peace officer commissioned under Section 37.081 or 51.203, Education Code, if the person is employed or volunteers at a school district or public junior college that has commissioned a peace officer under either section.

SECTION 7.  This Act takes effect September 1, 2023.