By:  Hall, Flores S.B. No. 357

(In the Senate - Filed January 5, 2023; February 15, 2023, read first time and referred to Committee on Education; April 11, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 1; April 11, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Creighton         X

Campbell             X

Bettencourt          X

Birdwell                       X

Flores               X

King                 X

LaMantia                 X

Menéndez             X

Middleton            X

Parker               X

Paxton               X

Springer             X

West                 X

COMMITTEE SUBSTITUTE FOR S.B. No. 357 By:  Bettencourt

A BILL TO BE ENTITLED

AN ACT

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.

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

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

(a)  The board of trustees of any school district may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers to carry out this subchapter. If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer or an honorably retired peace officer, as that term is defined by Section 614.121, Government Code. The jurisdiction of a peace officer, a school resource officer, or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

(a-1)  An honorably retired peace officer employed as security personnel under Subsection (a) must:

(1)  keep their commission in active status; and

(2)  fulfill all applicable requirements under Sections 1701.351 and 1701.352, Occupations Code.

SECTION 2.  Section 1702.322, Occupations Code, is amended to read as follows:

Sec. 1702.322.  LAW ENFORCEMENT PERSONNEL.  This chapter 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, [~~has full-time employment as a peace officer~~] and who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, extra job coordinator, or watchman if the officer:

(A)  is employed in an employee-employer relationship or employed on an individual contractual basis:

(i)  directly by the recipient of the services; or

(ii)  by a company licensed under this chapter;

(B)  is not in the employ of another peace officer;

(C)  [~~is not a reserve peace officer; and~~

[~~(D)  works as a peace officer on the average of at least 32 hours a week,~~] is compensated [~~by the state or a political subdivision of the state~~] at least at the minimum wage 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);

(2)  a reserve peace officer while the reserve officer is performing guard, patrolman, or watchman duties for a county and is being compensated solely by that county;

(3)  a peace officer acting in an official capacity in responding to a burglar alarm or detection device; or

(4)  a person engaged in the business of electronic monitoring of an individual as a condition of that individual's community supervision, parole, mandatory supervision, or release on bail, if the person does not perform any other service that requires a license under this chapter.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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