88R4406 JTZ-D

By:  Campbell S.B. No. 709

A BILL TO BE ENTITLED

AN ACT

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

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)  licensed:

(A)  as a peace officer under Chapter 1701, Occupations Code; or

(B)  under Section 1701.260, 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 Subsections (b-1), (i), and (j) 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:

(1)  either:

(A)  an employee of the school district or open-enrollment charter school; or

(B)  a school district or open-enrollment charter 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)  either:

(A)  certified as eligible for appointment under Section 1701.260, Occupations Code; or

(B)  licensed as a peace officer under Chapter 1701, 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, or peace officer license under Chapter 1701, Occupations Code, as applicable;

(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 licensed as a school marshal 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).

(i)  The board of trustees of a school district or the governing body of an open-enrollment charter school may require or authorize a person appointed school marshal to wear a distinctive uniform or badge indicating the person's status as a school marshal.

(j)  A school district or open-enrollment charter school shall provide to each newly appointed school marshal training specific to the campus at which the school marshal is employed or volunteers that includes:

(1)  an overview of campus grounds and facilities;

(2)  daily schedules;

(3)  the district's or school's multihazard emergency operations plan adopted under Section 37.108; and

(4)  the contact information for any person to be notified in the event of an emergency or a nonemergency incident.

SECTION 3.  Section 37.0813, Education Code, is amended by amending Subsections (b), (f), and (h) and adding Subsections (j) and (k) 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:

(1)  either:

(A)  an employee of the school; 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)  either:

(A)  certified as eligible for appointment under Section 1701.260, Occupations Code; or

(B)  licensed as a peace officer under Chapter 1701, 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, or peace officer license under Chapter 1701, Occupations Code, as applicable;

(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 licensed as a school marshal 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).

(j)  The governing body of a private school may require or authorize a person appointed school marshal to wear a distinctive uniform or badge indicating the person's status as a school marshal.

(k)  A private school shall provide to each newly appointed school marshal training specific to the campus at which the school marshal is employed or volunteers that includes:

(1)  an overview of campus grounds and facilities;

(2)  daily schedules;

(3)  any emergency operations plan adopted by the school; and

(4)  the contact information for any person to be notified in the event of an emergency or a nonemergency incident.

SECTION 4.  Section 51.220, Education Code, is amended by amending Subsections (c), (g), and (i) and adding Subsections (c-1), (j), and (k) 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:

(1)  either:

(A)  an employee of the public junior college; or

(B)  a volunteer of the public junior college 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)  either:

(A)  certified as eligible for appointment under Section 1701.260, Occupations Code; or

(B)  licensed as a peace officer under Chapter 1701, 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, or peace officer license under Chapter 1701, Occupations Code, as applicable;

(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 licensed as a school marshal 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).

(j)  The governing body of a public junior college may require or authorize a person appointed school marshal to wear a distinctive uniform or badge indicating the person's status as a school marshal.

(k)  A public junior college shall provide to each newly appointed school marshal training specific to the campus at which the school marshal is employed or volunteers that includes:

(1)  an overview of campus grounds and facilities;

(2)  daily schedules;

(3)  the college's multihazard emergency operations plan adopted under Section 37.108; and

(4)  the contact information for any person to be notified in the event of an emergency or a nonemergency incident.

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 licensed:

(i)  as a peace officer under this chapter; or

(ii) under Section 1701.260; 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), (b), and (j) and adding Subsection (f-1) to read as follows:

(a)  The commission shall establish and maintain a training program open to any employee or school volunteer of a school district, open-enrollment charter school, private school, or public junior college who holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(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.

(f-1)  The commission shall require each person licensed under this section to successfully complete a handgun proficiency test as prescribed by commission rule not later than August 1 of each year in order to maintain the person's license.

(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.  Section 1701.260(f-1), Occupations Code, as added by this Act, applies only to a license issued or renewed under that section on or after the effective date of this Act.

SECTION 8.  This Act takes effect September 1, 2023.