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H.B. No. 249

A BILL TO BE ENTITLED

AN ACT

relating to a school security volunteer program in certain counties.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0817 to read as follows:

Sec. 37.0817. SCHOOL SECURITY VOLUNTEER PROGRAM. (a) In this section:

(1) "Honorably retired" has the meaning assigned by Section 411.199(c), Government Code.

(2) "Qualified retired law enforcement officer" means a person who:

(A) meets the qualifications provided by 18 U.S.C. Section 926C(c); and

(B) is honorably retired.

(3) "Veteran" has the meaning assigned by Section 521.1235, Transportation Code.

(b) This section applies only to a school district or open-enrollment charter school located in a county with a population of less than one million.

(c) The board of trustees of a school district to which this section applies, or the governing body of an open-enrollment charter school to which this section applies, may approve a program under which the district or school provides written regulations or

1 written authorization for eligible persons to serve as school
2 security volunteers by:

3 (1) providing security services for the district or
4 school on school grounds, including any location in which an
5 activity sponsored by the district or school is being conducted,
6 and in school vehicles; and

7 (2) carrying a handgun in providing the security
8 services under Subdivision (1).

9 (d) A person is eligible to serve as a school security
10 volunteer for a program approved under this section only if:

11 (1) the person is not:

12 (A) an employee of the district or school;

13 (B) a contractor providing services under a
14 contract with the district or school; or

15 (C) a person who otherwise receives compensation
16 or remuneration from the district or school;

17 (2) the person is:

18 (A) a qualified retired law enforcement officer;

19 or

20 (B) a veteran; and

21 (3) the board of trustees or governing body determines
22 the person is eligible based on the results of a criminal background
23 check conducted on the person using criminal history record
24 information obtained by the district or school in accordance with
25 Section 22.0835.

26 (e) A school district that approves a program under this
27 section must include the program in the district's multihazard

1 emergency operations plan required under Section 37.108. An
2 open-enrollment charter school that approves a program under this
3 section must adopt and implement measures to ensure, in an
4 emergency, coordination with the Department of State Health
5 Services and local emergency management agencies, law enforcement
6 agencies, health departments, and fire departments.

7 (f) A school district or open-enrollment charter school
8 that approves a program under this section must provide to each
9 school security volunteer a course of instruction on the safety and
10 security policies of the district or school. A district must
11 include instruction about the district's multihazard emergency
12 operations plan adopted under Section 37.108.

13 (g) A school district or open-enrollment charter school
14 that approves a program under this section must:

15 (1) provide to each person serving as a school
16 security volunteer under the program a uniform that clearly
17 identifies the person as a school security volunteer; and

18 (2) require each school security volunteer to wear a
19 uniform described by Subdivision (1) while providing security
20 services at the district or school in the manner provided under
21 Subsection (c).

22 (h) A person who serves as a school security volunteer under
23 this section is not a commissioned peace officer or a school
24 resource officer, as defined by Section 1701.601, Occupations Code,
25 and may not, in providing security services in the manner allowed
26 under Subsection (c), engage in law enforcement activities or
27 otherwise exercise powers or duties reserved to commissioned peace

1 officers or school resource officers under this chapter or other
2 law.

3 (i) A school security volunteer is immune from civil
4 liability to the same extent as a professional employee of a school
5 district under Section 22.0511. This subsection does not limit the
6 liability of a person for intentional misconduct or gross
7 negligence.

8 SECTION 2. Subchapter N, Chapter 1702, Occupations Code, is
9 amended by adding Section 1702.334 to read as follows:

10 Sec. 1702.334. SCHOOL SECURITY VOLUNTEERS. This chapter
11 does not apply to a person who serves as a school security volunteer
12 for a school district or open-enrollment charter school under a
13 program adopted under Section 37.0817, Education Code.

14 SECTION 3. The change in law made by this Act applies
15 beginning with the 2023-2024 school year.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2023.