

By: Rogers, Lozano, Darby,
Harris of Anderson, Buckley, et al.

H.B. No. 249

Substitute the following for H.B. No. 249:

By: Capriglione

C.S.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 200,000.

(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 security volunteer is immune from civil
14 liability to the same extent as a professional employee of a school
15 district under Section 22.0511. This subsection does not limit the
16 liability of a person for intentional misconduct or gross
17 negligence.

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

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

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

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2023.