

By: VanDeaver

H.B. No. 2456

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the employment of honorably retired peace officers as
3 school district security personnel and the applicability to those
4 officers of certain law governing private security.

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

6 SECTION 1. Section 37.081(a), Education Code, is amended to
7 read as follows:

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

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

3 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
4 does not apply to:

5 (1) a person who is a peace officer or an honorably
6 retired peace officer, as that term is defined by Section 614.121,
7 Government Code, [has full-time employment as a peace officer] and
8 who receives compensation for private employment on an individual
9 or an independent contractor basis as a patrolman, guard, extra job
10 coordinator, or watchman if the officer:

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

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

15 (ii) by a company licensed under this
16 chapter;

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

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

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

23 (i) for a peace officer, the state or a
24 political subdivision of the state; or

25 (ii) for an honorably retired peace
26 officer, a school district; and

27 (D) is entitled to all employee benefits offered

1 to a peace officer by the state or political subdivision described
2 by Paragraph (C);

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

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

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

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