

By: Isaac

H.B. No. 4470

A BILL TO BE ENTITLED

AN ACT

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

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) either:

(A) licensed under Section 1701.260, Occupations Code; 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) 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

1 Section 37.0813, Education Code; or

2 (C) the governing board of a public junior  
3 college under Section 51.220, Education Code.

4 SECTION 2. Section 37.0811, Education Code, is amended by  
5 amending Subsections (b), (f), and (h) and adding Subsection (b-1)  
6 to read as follows:

7 (b) The board of trustees of a school district or the  
8 governing body of an open-enrollment charter school may select for  
9 appointment as a school marshal under this section an applicant who  
10 is either:

11 (1) an employee of the school district or  
12 open-enrollment charter school and certified as eligible for  
13 appointment under Section 1701.260, Occupations Code; or

14 (2) a school district or open-enrollment charter  
15 school volunteer who is:

16 (A) an honorably discharged veteran or active  
17 duty member of the armed forces of the United States;

18 (B) a peace officer;

19 (C) a reserve law enforcement officer, as defined  
20 by Section 1701.001, Occupations Code; or

21 (D) a retired peace officer, as defined by  
22 Section 1701.3161, Occupations Code.

23 (b-1) The board of trustees of a school district or the  
24 governing body of an open-enrollment charter school may, but shall  
25 not be required to, reimburse the amount paid by an ~~the~~ applicant  
26 for appointment as a school marshal to participate in the training  
27 program under Section 1701.260, Occupations Code ~~[that section]~~.

1 (f) A person's [~~school district or charter school~~  
2 ~~employee's~~] status as a school marshal becomes inactive on:

3 (1) expiration of the person's [~~employee's~~] school  
4 marshal license under Section 1701.260, Occupations Code, if the  
5 person is required to hold that license as a condition of the  
6 person's school marshal license;

7 (2) suspension or revocation of the person's  
8 [~~employee's~~] license to carry a handgun issued under Subchapter H,  
9 Chapter 411, Government Code, if the person is required to hold that  
10 license as a condition of the person's school marshal license under  
11 Section 1701.260, Occupations Code;

12 (3) termination of the person's [~~employee's~~]  
13 employment or volunteer service, as applicable, with the district  
14 or charter school; or

15 (4) notice from the board of trustees of the district  
16 or the governing body of the charter school that the person's  
17 [~~employee's~~] services as school marshal are no longer required.

18 (h) If a parent or guardian of a student enrolled at a school  
19 inquires in writing, the school district or open-enrollment charter  
20 school shall provide the parent or guardian written notice  
21 indicating whether any person [~~employee of the school~~] is currently  
22 appointed a school marshal. The notice may not disclose  
23 information that is confidential under Subsection (g).

24 SECTION 3. Sections 37.0813(b), (f), and (h), Education  
25 Code, are amended to read as follows:

26 (b) The governing body of a private school may select for  
27 appointment as a school marshal under this section an applicant who

1 is either:

2           (1) an employee of the school and certified as  
3 eligible for appointment under Section 1701.260, Occupations Code;  
4 or

5           (2) a school volunteer who is:

6                   (A) an honorably discharged veteran or active  
7 duty member of the armed forces of the United States;

8                   (B) a peace officer;

9                   (C) a reserve law enforcement officer, as defined  
10 by Section 1701.001, Occupations Code; or

11                   (D) a retired peace officer, as defined by  
12 Section 1701.3161, Occupations Code.

13           (f) A person's [~~private school employee's~~] status as a  
14 school marshal becomes inactive on:

15                   (1) expiration of the person's [~~employee's~~] school  
16 marshal license under Section 1701.260, Occupations Code, if the  
17 person is required to hold that license as a condition of the  
18 person's school marshal license;

19                   (2) suspension or revocation of the person's  
20 [~~employee's~~] license to carry a handgun issued under Subchapter H,  
21 Chapter 411, Government Code, if the person is required to hold that  
22 license as a condition of the person's school marshal license under  
23 Section 1701.260, Occupations Code;

24                   (3) termination of the person's [~~employee's~~]  
25 employment or volunteer service, as applicable, with the private  
26 school; or

27                   (4) notice from the governing body that the person's

1 ~~[employee's]~~ services as school marshal are no longer required.

2 (h) If a parent or guardian of a student enrolled at a  
3 private school inquires in writing, the school shall provide the  
4 parent or guardian written notice indicating whether any person  
5 ~~[employee of the school]~~ is currently appointed a school marshal.  
6 The notice may not disclose information that is confidential under  
7 Subsection (g).

8 SECTION 4. Section 51.220, Education Code, is amended by  
9 amending Subsections (c), (g), and (i) and adding Subsection (c-1)  
10 to read as follows:

11 (c) The governing board of a public junior college may  
12 select for appointment as a school marshal under this section an  
13 applicant who is either:

14 (1) an employee of the public junior college and  
15 certified as eligible for appointment under Section 1701.260,  
16 Occupations Code; or

17 (2) a volunteer of the public junior college who is:

18 (A) an honorably discharged veteran or active  
19 duty member of the armed forces of the United States;

20 (B) a peace officer;

21 (C) a reserve law enforcement officer, as defined  
22 by Section 1701.001, Occupations Code; or

23 (D) a retired peace officer, as defined by  
24 Section 1701.3161, Occupations Code.

25 (c-1) The governing board of a public junior college may,  
26 but shall not be required to, reimburse the amount paid by an ~~[the]~~  
27 applicant for appointment as a school marshal to participate in the

1 training program under Section 1701.260, Occupations Code [~~that~~  
2 ~~section~~].

3 (g) A person's [~~public junior college employee's~~] status as  
4 a school marshal becomes inactive on:

5 (1) expiration of the person's [~~employee's~~] school  
6 marshal license under Section 1701.260, Occupations Code, if the  
7 person is required to hold that license as a condition of the  
8 person's school marshal license;

9 (2) suspension or revocation of the person's  
10 [~~employee's~~] license to carry a concealed handgun issued under  
11 Subchapter H, Chapter 411, Government Code, if the person is  
12 required to hold that license as a condition of the person's school  
13 marshal license under Section 1701.260, Occupations Code;

14 (3) termination of the person's [~~employee's~~]  
15 employment or volunteer service, as applicable, with the public  
16 junior college; or

17 (4) notice from the governing board of the public  
18 junior college that the person's [~~employee's~~] services as school  
19 marshal are no longer required.

20 (i) If a parent or guardian of a student enrolled at a public  
21 junior college inquires in writing, the governing board of the  
22 public junior college shall provide the parent or guardian written  
23 notice indicating whether any person [~~employee of the public junior~~  
24 ~~college~~] is currently appointed a school marshal. The notice may  
25 not disclose information that is confidential under Subsection (h).

26 SECTION 5. Section 1701.001(8), Occupations Code, is  
27 amended to read as follows:

1 (8) "School marshal" means a person who:

2 (A) is appointed to serve as a school marshal by:

3 (i) the board of trustees of a school  
4 district or the governing body of an open-enrollment charter school  
5 under Section 37.0811, Education Code;

6 (ii) the governing body of a private school  
7 under Section 37.0813, Education Code; or

8 (iii) the governing board of a public  
9 junior college under Section 51.220, Education Code;

10 (B) is:

11 (i) licensed under Section 1701.260;

12 (ii) an honorably discharged veteran or  
13 active duty member of the armed forces of the United States;

14 (iii) a peace officer;

15 (iv) a reserve law enforcement officer; or

16 (v) a retired peace officer, as defined by  
17 Section 1701.3161; and

18 (C) has powers and duties described by Article  
19 2.127, Code of Criminal Procedure.

20 SECTION 6. Section 1701.260, Occupations Code, is amended  
21 by amending Subsections (a), (a-1), (b), (i), and (j) and adding  
22 Subsection (a-2) to read as follows:

23 (a) The commission shall establish and maintain a training  
24 program open to any employee or volunteer of a school district,  
25 open-enrollment charter school, private school, or public junior  
26 college:

27 (1) for an employee, who holds a license to carry a

1 handgun issued under Subchapter H, Chapter 411, Government Code; or

2 (2) for a volunteer, who is:

3 (A) an honorably discharged veteran or active  
4 duty member of the armed forces of the United States;

5 (B) a peace officer;

6 (C) a reserve law enforcement officer, as defined  
7 by Section 1701.001; or

8 (D) a retired peace officer, as defined by  
9 Section 1701.3161.

10 (a-1) The training under the training program may be  
11 conducted only by the commission staff or a provider approved by the  
12 commission.

13 (a-2) [~~(a-1)~~] In this section, "private school" has the  
14 meaning assigned by Article 2.127, Code of Criminal Procedure.

15 (b) The commission shall collect from each person who  
16 participates in the training program identifying information that  
17 includes the person's name, the person's date of birth, the license  
18 number of the license issued to the person under Subchapter H,  
19 Chapter 411, Government Code, and the address of the person's place  
20 of employment or volunteer service, as applicable.

21 (i) The commission shall revoke the [~~a person's~~] school  
22 marshal license of a person described by Subsection (a)(1) if the  
23 commission is notified by the Department of Public Safety that the  
24 person's license to carry a handgun issued under Subchapter H,  
25 Chapter 411, Government Code, has been suspended or revoked. A  
26 person whose school marshal license is revoked may obtain  
27 recertification by:



1           (1) furnishing proof to the commission that the  
2 person's handgun license has been reinstated; and

3           (2) completing the initial training under Subsection  
4 (c) to the satisfaction of the commission staff, paying the fee for  
5 the training, and demonstrating psychological fitness on the  
6 psychological examination described in Subsection (d).

7           (j) The commission shall submit the identifying information  
8 collected under Subsection (b) for each person licensed by the  
9 commission under this section to:

10           (1) the director of the Department of Public Safety;

11           (2) the [~~person's employer, if the person is employed~~  
12 ~~by a~~] school district, open-enrollment charter school, private  
13 school, or public junior college at which the person is employed or  
14 volunteers;

15           (3) the chief law enforcement officer of the local  
16 municipal law enforcement agency if the person is employed or  
17 volunteers at a campus of a school district, open-enrollment  
18 charter school, private school, or public junior college located  
19 within a municipality;

20           (4) the sheriff of the county if the person is employed  
21 or volunteers at a campus of a school district, open-enrollment  
22 charter school, private school, or public junior college that is  
23 not located within a municipality; and

24           (5) the chief administrator of any peace officer  
25 commissioned under Section 37.081 or 51.203, Education Code, if the  
26 person is employed or volunteers at a school district or public  
27 junior college that has commissioned a peace officer under either

1 section.

2 SECTION 7. This Act takes effect September 1, 2023.