

By: Hall, et al.

S.B. No. 357

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](#), Education Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

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

1 officer.

2 (a-1) An honorably retired peace officer employed as
3 security personnel under Subsection (a) must:

4 (1) keep their commission in active status; and

5 (2) fulfill all applicable requirements under
6 Sections 1701.351 and 1701.352, Occupations Code.

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

9 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
10 does not apply to:

11 (1) a person who is a peace officer or an honorably
12 retired peace officer, as that term is defined by Section 614.121,
13 Government Code, [~~has full-time employment as a peace officer~~] and
14 who receives compensation for private employment on an individual
15 or an independent contractor basis as a patrolman, guard, extra job
16 coordinator, or watchman if the officer:

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

19 (i) directly by the recipient of the
20 services; or

21 (ii) by a company licensed under this
22 chapter;

23 (B) is not in the employ of another peace
24 officer;

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

26 [~~(D) works as a peace officer on the average of at~~
27 ~~least 32 hours a week,]~~ is compensated [~~by the state or a political~~

1 ~~subdivision of the state]~~ at least at the minimum wage by:

2 (i) for a peace officer, the state or a
3 political subdivision of the state; or

4 (ii) for an honorably retired peace
5 officer, a school district; and

6 (D) is entitled to all employee benefits offered
7 to a peace officer by the state or political subdivision described
8 by Paragraph (C);

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

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

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

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