

1-1 By: Hall, Flores S.B. No. 357
 1-2 (In the Senate - Filed January 5, 2023; February 15, 2023,
 1-3 read first time and referred to Committee on Education;
 1-4 April 11, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 1; April 11, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			

1-22 COMMITTEE SUBSTITUTE FOR S.B. No. 357 By: Bettencourt

1-23 A BILL TO BE ENTITLED
 1-24 AN ACT

1-25 relating to the employment of honorably retired peace officers as
 1-26 school district security personnel and the applicability to those
 1-27 officers of certain law governing private security.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 37.081, Education Code, is amended by
 1-30 amending Subsection (a) and adding Subsection (a-1) to read as
 1-31 follows:

1-32 (a) The board of trustees of any school district may employ
 1-33 security personnel, enter into a memorandum of understanding with a
 1-34 local law enforcement agency for the provision of school resource
 1-35 officers, and commission peace officers to carry out this
 1-36 subchapter. If a board of trustees authorizes a person employed as
 1-37 security personnel to carry a weapon, the person must be a
 1-38 commissioned peace officer or an honorably retired peace officer,
 1-39 as that term is defined by Section 614.121, Government Code. The
 1-40 jurisdiction of a peace officer, a school resource officer, or
 1-41 security personnel under this section shall be determined by the
 1-42 board of trustees and may include all territory in the boundaries of
 1-43 the school district and all property outside the boundaries of the
 1-44 district that is owned, leased, or rented by or otherwise under the
 1-45 control of the school district and the board of trustees that employ
 1-46 the peace officer or security personnel or that enter into a
 1-47 memorandum of understanding for the provision of a school resource
 1-48 officer.

1-49 (a-1) An honorably retired peace officer employed as
 1-50 security personnel under Subsection (a) must:

1-51 (1) keep their commission in active status; and

1-52 (2) fulfill all applicable requirements under
 1-53 Sections 1701.351 and 1701.352, Occupations Code.

1-54 SECTION 2. Section 1702.322, Occupations Code, is amended
 1-55 to read as follows:

1-56 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
 1-57 does not apply to:

1-58 (1) a person who is a peace officer or an honorably
 1-59 retired peace officer, as that term is defined by Section 614.121,
 1-60 Government Code, ~~[has full-time employment as a peace officer]~~ and

2-1 who receives compensation for private employment on an individual
2-2 or an independent contractor basis as a patrolman, guard, extra job
2-3 coordinator, or watchman if the officer:
2-4 (A) is employed in an employee-employer
2-5 relationship or employed on an individual contractual basis:
2-6 (i) directly by the recipient of the
2-7 services; or
2-8 (ii) by a company licensed under this
2-9 chapter;
2-10 (B) is not in the employ of another peace
2-11 officer;
2-12 (C) ~~[is not a reserve peace officer, and~~
2-13 ~~[(D) works as a peace officer on the average of at~~
2-14 ~~least 32 hours a week,]~~ is compensated ~~[by the state or a political~~
2-15 ~~subdivision of the state]~~ at least at the minimum wage by:
2-16 (i) for a peace officer, the state or a
2-17 political subdivision of the state; or
2-18 (ii) for an honorably retired peace
2-19 officer, a school district; and
2-20 (D) is entitled to all employee benefits offered
2-21 to a peace officer by the state or political subdivision described
2-22 by Paragraph (C);
2-23 (2) a reserve peace officer while the reserve officer
2-24 is performing guard, patrolman, or watchman duties for a county and
2-25 is being compensated solely by that county;
2-26 (3) a peace officer acting in an official capacity in
2-27 responding to a burglar alarm or detection device; or
2-28 (4) a person engaged in the business of electronic
2-29 monitoring of an individual as a condition of that individual's
2-30 community supervision, parole, mandatory supervision, or release
2-31 on bail, if the person does not perform any other service that
2-32 requires a license under this chapter.

2-33 SECTION 3. This Act takes effect immediately if it receives
2-34 a vote of two-thirds of all the members elected to each house, as
2-35 provided by Section 39, Article III, Texas Constitution. If this
2-36 Act does not receive the vote necessary for immediate effect, this
2-37 Act takes effect September 1, 2023.

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