

By: Campbell

S.B. No. 709

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to school marshals, including eligibility for appointment  
3 as a school marshal, licensure and training requirements, and  
4 school marshal uniforms or badges.

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

6 SECTION 1. Article 2.127(d), Code of Criminal Procedure, is  
7 amended to read as follows:

8 (d) A person may not serve as a school marshal unless the  
9 person is:

10 (1) licensed:

11 (A) as a peace officer under Chapter 1701,  
12 Occupations Code; or

13 (B) under Section 1701.260, Occupations Code;

14 and

15 (2) appointed by:

16 (A) the board of trustees of a school district or  
17 the governing body of an open-enrollment charter school under  
18 Section 37.0811, Education Code;

19 (B) the governing body of a private school under  
20 Section 37.0813, Education Code; or

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

23 SECTION 2. Section 37.0811, Education Code, is amended by  
24 amending Subsections (b), (f), and (h) and adding Subsections

1 (b-1), (i), and (j) to read as follows:

2 (b) The board of trustees of a school district or the  
3 governing body of an open-enrollment charter school may select for  
4 appointment as a school marshal under this section an applicant who  
5 is:

6 (1) either:

7 (A) an employee of the school district or  
8 open-enrollment charter school; or

9 (B) a school district or open-enrollment charter  
10 school volunteer who is:

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

13 (ii) a peace officer;

14 (iii) a reserve law enforcement officer, as  
15 defined by Section 1701.001, Occupations Code; or

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

18 (2) either:

19 (A) certified as eligible for appointment under  
20 Section 1701.260, Occupations Code; or

21 (B) licensed as a peace officer under Chapter  
22 1701, 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, or peace  
5 officer license under Chapter 1701, Occupations Code, as  
6 applicable;

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 licensed as a school  
10 marshal under Section 1701.260, Occupations Code;

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

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

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

23 (i) The board of trustees of a school district or the  
24 governing body of an open-enrollment charter school may require or  
25 authorize a person appointed school marshal to wear a distinctive  
26 uniform or badge indicating the person's status as a school  
27 marshal.

1       (j) A school district or open-enrollment charter school  
2 shall provide to each newly appointed school marshal training  
3 specific to the campus at which the school marshal is employed or  
4 volunteers that includes:

5           (1) an overview of campus grounds and facilities;

6           (2) daily schedules;

7           (3) the district's or school's multihazard emergency  
8 operations plan adopted under Section 37.108; and

9           (4) the contact information for any person to be  
10 notified in the event of an emergency or a nonemergency incident.

11       SECTION 3. Section 37.0813, Education Code, is amended by  
12 amending Subsections (b), (f), and (h) and adding Subsections (j)  
13 and (k) to read as follows:

14       (b) The governing body of a private school may select for  
15 appointment as a school marshal under this section an applicant who  
16 is:

17           (1) either:

18                   (A) an employee of the school; or

19                   (B) a school volunteer who is:

20                           (i) an honorably discharged veteran or  
21 active duty member of the armed forces of the United States;

22                           (ii) a peace officer;

23                           (iii) a reserve law enforcement officer, as  
24 defined by Section 1701.001, Occupations Code; or

25                           (iv) a retired peace officer, as defined by  
26 Section 1701.3161, Occupations Code; and

27           (2) either:

1           (A) certified as eligible for appointment under  
2 Section [1701.260](#), Occupations Code; or

3           (B) licensed as a peace officer under Chapter  
4 [1701](#), Occupations Code.

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

7           (1) expiration of the person's [~~employee's~~] school  
8 marshal license under Section [1701.260](#), Occupations Code, or peace  
9 officer license under Chapter [1701](#), Occupations Code, as  
10 applicable;

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

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

18           (4) notice from the governing body that the person's  
19 [~~employee's~~] services as school marshal are no longer required.

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

26           (j) The governing body of a private school may require or  
27 authorize a person appointed school marshal to wear a distinctive

1 uniform or badge indicating the person's status as a school  
2 marshal.

3 (k) A private school shall provide to each newly appointed  
4 school marshal training specific to the campus at which the school  
5 marshal is employed or volunteers that includes:

6 (1) an overview of campus grounds and facilities;

7 (2) daily schedules;

8 (3) any emergency operations plan adopted by the  
9 school; and

10 (4) the contact information for any person to be  
11 notified in the event of an emergency or a nonemergency incident.

12 SECTION 4. Section 51.220, Education Code, is amended by  
13 amending Subsections (c), (g), and (i) and adding Subsections  
14 (c-1), (j), and (k) to read as follows:

15 (c) The governing board of a public junior college may  
16 select for appointment as a school marshal under this section an  
17 applicant who is:

18 (1) either:

19 (A) an employee of the public junior college; or

20 (B) a volunteer of the public junior college who  
21 is:

22 (i) an honorably discharged veteran or  
23 active duty member of the armed forces of the United States;

24 (ii) a peace officer;

25 (iii) a reserve law enforcement officer, as  
26 defined by Section 1701.001, Occupations Code; or

27 (iv) a retired peace officer, as defined by

1 Section 1701.3161, Occupations Code; and

2 (2) either:

3 (A) certified as eligible for appointment under  
4 Section 1701.260, Occupations Code; or

5 (B) licensed as a peace officer under Chapter  
6 1701, Occupations Code.

7 (c-1) The governing board of a public junior college may,  
8 but shall not be required to, reimburse the amount paid by an [the]  
9 applicant for appointment as a school marshal to participate in the  
10 training program under Section 1701.260, Occupations Code [that  
11 section].

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

14 (1) expiration of the person's [~~employee's~~] school  
15 marshal license under Section 1701.260, Occupations Code, or peace  
16 officer license under Chapter 1701, Occupations Code, as  
17 applicable;

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

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

26 (4) notice from the governing board of the public  
27 junior college that the person's [~~employee's~~] services as school

1 marshal are no longer required.

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

8 (j) The governing body of a public junior college may  
9 require or authorize a person appointed school marshal to wear a  
10 distinctive uniform or badge indicating the person's status as a  
11 school marshal.

12 (k) A public junior college shall provide to each newly  
13 appointed school marshal training specific to the campus at which  
14 the school marshal is employed or volunteers that includes:

15 (1) an overview of campus grounds and facilities;

16 (2) daily schedules;

17 (3) the college's multihazard emergency operations  
18 plan adopted under Section 37.108; and

19 (4) the contact information for any person to be  
20 notified in the event of an emergency or a nonemergency incident.

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

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

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

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



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

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

5 (B) is licensed:

6 (i) as a peace officer under this chapter;

7 or

8 (ii) under Section 1701.260; and

9 (C) has powers and duties described by Article  
10 2.127, Code of Criminal Procedure.

11 SECTION 6. Section 1701.260, Occupations Code, is amended  
12 by amending Subsections (a), (b), and (j) and adding Subsection  
13 (f-1) to read as follows:

14 (a) The commission shall establish and maintain a training  
15 program open to any employee or school volunteer of a school  
16 district, open-enrollment charter school, private school, or  
17 public junior college who holds a license to carry a handgun issued  
18 under Subchapter H, Chapter 411, Government Code. The training may  
19 be conducted only by the commission staff or a provider approved by  
20 the commission.

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

27 (f-1) The commission shall require each person licensed

1 under this section to successfully complete a handgun proficiency  
2 test as prescribed by commission rule not later than August 1 of  
3 each year in order to maintain the person's license.

4 (j) The commission shall submit the identifying information  
5 collected under Subsection (b) for each person licensed by the  
6 commission under this section to:

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

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

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

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

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

26 SECTION 7. Section 1701.260(f-1), Occupations Code, as  
27 added by this Act, applies only to a license issued or renewed under

1 that section on or after the effective date of this Act.

2 SECTION 8. This Act takes effect September 1, 2023.