

BILL ANALYSIS

Senate Research Center

S.B. 870
By: Birdwell
Education K-16
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1009 in the 83rd Legislature permitted public school districts and open-enrollment charter schools to appoint school marshals. However, current law stipulates that if school marshals are appointed by a governing body, they are only authorized to carry a concealed handgun on school property or possess the handgun in a locked and secured safe either on the physical premises of a school or stored in a secured location.

S.B. 870 will authorize a school marshal, appointed by a school district's board of trustees or the governing body of an open-enrollment charter school, to open carry a handgun on school property while wearing a uniform that clearly identifies the individual as a school marshal.

In 2024, the Office of the Attorney General delivered an opinion that would allow uniformed school marshals to open carry a firearm on the physical premises of a school, but only in the manner provided by written regulations adopted by the board of trustees. This legislation will codify this attorney general opinion.

S.B. 870 amends current law relating to the open carrying of a handgun by a uniformed school marshal.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 37.0811(c) and (d), Education Code, as follows:

(c) Deletes existing text providing that a school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school is authorized to carry a concealed handgun on the physical premises of a school, but only under certain conditions.

(d) Requires that any written regulations adopted for purposes of Subsection (c) meet certain criteria, including providing that a school marshal, if wearing a uniform identifying the marshal as a school marshal, is authorized to openly carry a handgun on the school marshal's person. Makes nonsubstantive changes.

SECTION 2. Amends Sections 37.0813(c) and (d), Education Code, as follows:

(c) Deletes existing text providing that a school marshal appointed by the governing body of a private school is authorized to carry a concealed handgun or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the governing body.

(d) Makes conforming changes to this subsection.

SECTION 3. Amends Section 51.220(d), Education Code, to delete existing text providing that a school marshal appointed by the governing board of a public junior college is authorized to carry a concealed handgun on physical premises of a public junior college campus, but only under certain conditions.

SECTION 4. Reenacts Section 51.220(e), Education Code, as amended by Chapter 795 (H.B. 781) and 851 (S.B. 741), Acts of the 87th Legislature, Regular Session, 2021, and amends it, as follows:

(e) Provides that any written regulations adopted for purposes of Subsection (d) are subject to certain requirements and prohibitions, including being required to authorize a school marshal to carry a concealed handgun, rather than a concealed handgun as described by Subsection (d), on the school marshal's person or, if wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person. Makes nonsubstantive changes.

SECTION 5. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 6. Effective date: upon passage or September 1, 2025.