

1-1 By: Patrick, Estes S.B. No. 17
1-2 (In the Senate - Filed March 8, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Education; April 10, 2013,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 10, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Patrick	X		
1-9	Lucio	X		
1-10	Campbell	X		
1-11	Duncan	X		
1-12	Paxton	X		
1-13	Seliger	X		
1-14	Taylor	X		
1-15	Van de Putte	X		
1-16	West	X		

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 17 By: Patrick

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the training in school safety of certain educators of a
1-21 school district or an open-enrollment charter school authorized to
1-22 carry a concealed handgun on school premises.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 37, Education Code, is amended by adding
1-25 Subchapter J to read as follows:

1-26 SUBCHAPTER J. SAFETY TRAINING FOR CERTAIN EMPLOYEES

1-27 Sec. 37.321. DEFINITIONS. In this subchapter:

1-28 (1) "Department" means the Department of Public
1-29 Safety.

1-30 (2) "Training center" means the Advanced Law
1-31 Enforcement Rapid Response Training Center at Texas State
1-32 University--San Marcos.

1-33 Sec. 37.322. SAFETY TRAINING PROGRAM FOR EMPLOYEES LICENSED
1-34 TO CARRY CONCEALED HANDGUN. (a) The department shall, with
1-35 technical assistance based on the best practices developed for law
1-36 enforcement officers by the training center, establish and maintain
1-37 a training program in school safety and the protection of students
1-38 for employees of a school district or an open-enrollment charter
1-39 school who:

1-40 (1) hold a license to carry a concealed handgun issued
1-41 under Subchapter H, Chapter 411, Government Code;

1-42 (2) are authorized by the school district or
1-43 open-enrollment charter school to carry a concealed handgun under
1-44 Section 46.03(a)(1), Penal Code; and

1-45 (3) are selected by the board of trustees of the school
1-46 district or governing body of the open-enrollment charter school to
1-47 attend the training program.

1-48 (b) Each school year, the department shall provide the
1-49 training program under Subsection (a) at no charge for two
1-50 employees at a school campus that does not have security personnel
1-51 or a commissioned peace officer assigned full-time to the school
1-52 campus.

1-53 (c) The department may provide the training program under
1-54 Subsection (a) to school employees in addition to those attending
1-55 the training under Subsection (b) on payment of a fee by the school
1-56 district or open-enrollment charter school employing the person.

1-57 (d) A school district or open-enrollment charter school may
1-58 not require an employee to involuntarily participate in the
1-59 training program under Subsection (a). An employee may not be
1-60 subject to any penalty or disciplinary action for refusing to

participate in the training program.

(e) Nothing in this section prohibits a school district or open-enrollment charter school from revoking authorization for an employee to carry a concealed handgun under Section 46.03(a)(1), Penal Code, if the employee refuses to participate in the training program under Subsection (a).

Sec. 37.3221. AUTHORIZATION TO CARRY CONCEALED HANDGUN AT CERTAIN SCHOOL EVENTS. Notwithstanding Section 46.035(b)(2), Penal Code, an employee who has met the requirements of Section 37.322(a) and who has successfully completed the training program under Section 37.322 may, pursuant to written regulation or written authorization by the school district or open-enrollment charter school, carry a concealed handgun on premises owned or controlled by the employing school district or open-enrollment charter school during a high school event or interscholastic event in which students from the employing school district or open-enrollment charter school are participating.

Sec. 37.323. LIMITATION OF LIABILITY. (a) This subchapter does not waive any rights, privileges, immunities, or defenses of:

(1) a school district, an open-enrollment charter school, Texas State University--San Marcos, or the Texas State University System;

(2) the board of trustees of a school district, the governing body of an open-enrollment charter school, or the board of regents of the Texas State University System; or

(3) an officer or employee of a school district, an open-enrollment charter school, or the Texas State University System.

(b) This subchapter does not create any liability for or a cause of action against:

(1) a school district, an open-enrollment charter school, Texas State University--San Marcos, or the Texas State University System;

(2) the board of trustees of a school district, the governing body of an open-enrollment charter school, or the board of regents of the Texas State University System; or

(3) an officer or employee of a school district, open-enrollment charter school, or the Texas State University System.

(c) A court may not hold the department or the training center or an officer or employee of the department or the training center liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of a district or charter school employee that occur after the employee has received training or has been denied training under this subchapter.

(d) A cause of action for damages may not be brought against the department or the training center or an officer or employee of the department or the training center for any damage caused by the actions of a district or charter school employee under this subchapter.

(e) The department or the training center is not responsible for any injury or damage inflicted on any person by a district or charter school employee arising or alleged to have arisen from an action taken by the department or the training center under this subchapter.

(f) The department or the training center or an officer or employee of the department or the training center is immune from liability and from suit for any act or failure to act arising under this subchapter.

Sec. 37.324. CONFIDENTIALITY OF RECORDS. (a) The department and the board of trustees of a school district or governing body of an open-enrollment charter school shall disclose to a criminal justice agency information contained in its files and records regarding whether a named employee or any employee named in a specified list has attended training under this subchapter. Information on an employee subject to disclosure under this section includes the employee's name, date of birth, zip

code, and telephone number. Except as otherwise provided by this section, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, Government Code.

(b) A school district or open-enrollment charter school employee who has attended training may be furnished a copy of disclosable records regarding the employee on request.

(c) The department and the board of trustees of a school district or governing body of an open-enrollment charter school shall make available on request by an employee the name of the criminal justice agency requesting information relating to the employee under this section.

Sec. 37.325. FUNDS. (a) The school safety training fund is created as a special fund in the state treasury. The fund consists of gifts, grants, and donations.

(b) The department may solicit and accept a gift, grant, or donation from any source, including a foundation or private entity, for the training program under Section 37.322(a) and shall deposit money accepted under this subsection to the credit of the school safety training fund.

(c) The department must use funds collected under Subsection (b) before using any state funds to establish and maintain the training program under Section 37.322.

(d) The amount of state funds allocated in any state fiscal biennium for the training program under Section 37.322 may not exceed \$1 million.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect September 1, 2013.

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