

1-1 By: Taylor of Collin S.B. No. 386
1-2 (In the Senate - Filed January 28, 2015; February 2, 2015,
1-3 read first time and referred to Committee on Higher Education;
1-4 April 7, 2015, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 7, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the appointment of school marshals by public junior
1-18 colleges.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Articles 2.127(a) and (d), Code of Criminal
1-21 Procedure, are amended to read as follows:

1-22 (a) Except as provided by Subsection (b), a school marshal
1-23 may make arrests and exercise all authority given peace officers
1-24 under this code, subject to written regulations adopted by the
1-25 board of trustees of a school district, ~~or~~ the governing body of
1-26 an open-enrollment charter school, or the governing board of a
1-27 public junior college under Section 37.0811, Education Code, and
1-28 only act as necessary to prevent or abate the commission of an
1-29 offense that threatens serious bodily injury or death of students,
1-30 faculty, or visitors on school premises.

1-31 (d) A person may not serve as a school marshal unless the
1-32 person is:

1-33 (1) licensed under Section 1701.260, Occupations
1-34 Code; and

1-35 (2) appointed by the board of trustees of a school
1-36 district, ~~or~~ the governing body of an open-enrollment charter
1-37 school, or the governing board of a public junior college under
1-38 Section 37.0811, Education Code.

1-39 SECTION 2. Sections 37.0811(a), (b), (c), and (f),
1-40 Education Code, are amended to read as follows:

1-41 (a) The board of trustees of a school district, ~~or~~ the
1-42 governing body of an open-enrollment charter school, or the
1-43 governing board of a public junior college may appoint not more than
1-44 one school marshal per 400 students in average daily attendance per
1-45 campus.

1-46 (b) The board of trustees of a school district, ~~or~~ the
1-47 governing body of an open-enrollment charter school, or the
1-48 governing board of a public junior college may select for
1-49 appointment as a school marshal under this section an applicant who
1-50 is an employee of the school district, ~~or~~ open-enrollment charter
1-51 school, or public junior college and certified as eligible for
1-52 appointment under Section 1701.260, Occupations Code. The board of
1-53 trustees, ~~or~~ governing body, or governing board may, but shall
1-54 not be required to, reimburse the amount paid by the applicant to
1-55 participate in the training program under that section.

1-56 (c) A school marshal appointed by the board of trustees of a
1-57 school district, ~~or~~ the governing body of an open-enrollment
1-58 charter school, or the governing board of a public junior college
1-59 may carry or possess a handgun on the physical premises of a school,
1-60 but only:

1-61 (1) in the manner provided by written regulations

2-1 adopted by the board of trustees, ~~[or]~~ the governing body, or the
2-2 governing board; and

2-3 (2) at a specific school as specified by the board of
2-4 trustees, ~~[or]~~ governing body, or governing board, as applicable.

2-5 (f) A school district, ~~[or]~~ charter school, or public junior
2-6 college employee's status as a school marshal becomes inactive on:

2-7 (1) expiration of the employee's school marshal
2-8 license under Section 1701.260, Occupations Code;

2-9 (2) suspension or revocation of the employee's license
2-10 to carry a concealed handgun issued under Subchapter H, Chapter
2-11 411, Government Code;

2-12 (3) termination of the employee's employment with the
2-13 district, ~~[or]~~ charter school, or public junior college; or

2-14 (4) notice from the board of trustees of the district,
2-15 ~~[or]~~ the governing body of the charter school, or the governing
2-16 board of the public junior college that the employee's services as
2-17 school marshal are no longer required.

2-18 SECTION 3. Sections 1701.260(a) and (j), Occupations Code,
2-19 are amended to read as follows:

2-20 (a) The commission shall establish and maintain a training
2-21 program open to any employee of a school district, ~~[or]~~
2-22 open-enrollment charter school, or public junior college who holds
2-23 a license to carry a concealed handgun issued under Subchapter H,
2-24 Chapter 411, Government Code. The training may be conducted only by
2-25 the commission staff or a provider approved by the commission.

2-26 (j) The commission shall submit the identifying information
2-27 collected under Subsection (b) for each person licensed by the
2-28 commission under this section to:

2-29 (1) the director of the Department of Public Safety;

2-30 (2) the person's employer, if the person is employed by
2-31 a school district, ~~[or]~~ open-enrollment charter school, or public
2-32 junior college;

2-33 (3) the chief law enforcement officer of the local
2-34 municipal law enforcement agency if the person is employed at a
2-35 campus of a school district, ~~[or]~~ open-enrollment charter school,
2-36 or public junior college located within a municipality;

2-37 (4) the sheriff of the county if the person is employed
2-38 at a campus of a school district, ~~[or]~~ open-enrollment charter
2-39 school, or public junior college that is not located within a
2-40 municipality; and

2-41 (5) the chief administrator of any peace officer
2-42 commissioned under Section 37.081, Education Code, if the person is
2-43 employed at a school district that has commissioned a peace officer
2-44 under that section.

2-45 SECTION 4. Section 1701.001(8), Occupations Code, is
2-46 amended to read as follows:

2-47 (8) "School marshal" means a person employed and
2-48 appointed by the board of trustees of a school district, ~~[or]~~ the
2-49 governing body of an open-enrollment charter school, or the
2-50 governing board of a public junior college under Article 2.127,
2-51 Code of Criminal Procedure, and in accordance with and having the
2-52 rights provided by Section 37.0811, Education Code.

2-53 SECTION 5. This Act takes effect September 1, 2015.

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