

1-1 By: Taylor of Collin S.B. No. 444
 1-2 (In the Senate - Filed January 9, 2017; February 6, 2017,
 1-3 read first time and referred to Committee on Education;
 1-4 May 3, 2017, reported favorably by the following vote: Yeas 11,
 1-5 Nays 0; May 3, 2017, 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	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to school marshals for private schools.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Article 2.127, Code of Criminal Procedure, is
 1-24 amended by amending Subsections (a) and (d) and adding Subsection
 1-25 (a-1) to read as follows:
 1-26 (a) Except as provided by Subsection (b), a school marshal
 1-27 may:
 1-28 (1) make arrests and exercise all authority given
 1-29 peace officers under this code, subject to written regulations
 1-30 adopted by:
 1-31 (A) the board of trustees of a school district or
 1-32 the governing body of an open-enrollment charter school under
 1-33 Section 37.0811, Education Code;
 1-34 (B) the governing body of a private school under
 1-35 Section 37.0813, Education Code; [] or
 1-36 (C) the governing board of a public junior
 1-37 college under Section 51.220, Education Code; [] and
 1-38 (2) only act as necessary to prevent or abate the
 1-39 commission of an offense that threatens serious bodily injury or
 1-40 death of students, faculty, or visitors on school premises.
 1-41 (a-1) In this section, "private school" means a school that:
 1-42 (1) offers a course of instruction for students in one
 1-43 or more grades from prekindergarten through grade 12;
 1-44 (2) is not operated by a governmental entity; and
 1-45 (3) is not a school whose students meet the definition
 1-46 provided by Section 29.916(a)(1), Education Code.
 1-47 (d) A person may not serve as a school marshal unless the
 1-48 person is:
 1-49 (1) licensed under Section 1701.260, Occupations
 1-50 Code; and
 1-51 (2) appointed by:
 1-52 (A) the board of trustees of a school district or
 1-53 the governing body of an open-enrollment charter school under
 1-54 Section 37.0811, Education Code;
 1-55 (B) the governing body of a private school under
 1-56 Section 37.0813, Education Code; [] or
 1-57 (C) the governing board of a public junior
 1-58 college under Section 51.220, Education Code.
 1-59 SECTION 2. The heading to Section 37.0811, Education Code,
 1-60 is amended to read as follows:
 1-61 Sec. 37.0811. SCHOOL MARSHALS: PUBLIC SCHOOLS.

2-1 SECTION 3. Subchapter C, Chapter 37, Education Code, is
 2-2 amended by adding Section 37.0813 to read as follows:

2-3 Sec. 37.0813. SCHOOL MARSHALS: PRIVATE SCHOOLS. (a) The
 2-4 governing body of a private school may appoint not more than the
 2-5 greater of:

2-6 (1) one school marshal per 200 students enrolled in
 2-7 the school; or

2-8 (2) one school marshal per building of the school at
 2-9 which students regularly receive classroom instruction.

2-10 (b) The governing body of a private school may select for
 2-11 appointment as a school marshal under this section an applicant who
 2-12 is an employee of the school and certified as eligible for
 2-13 appointment under Section 1701.260, Occupations Code.

2-14 (c) A school marshal appointed by the governing body of a
 2-15 private school may carry or possess a handgun on the physical
 2-16 premises of a school, but only in the manner provided by written
 2-17 regulations adopted by the governing body.

2-18 (d) Any written regulations adopted for purposes of
 2-19 Subsection (c) must provide that a school marshal may carry a
 2-20 concealed handgun as described by Subsection (c), except that if
 2-21 the primary duty of the school marshal involves regular, direct
 2-22 contact with students in a classroom setting, the marshal may not
 2-23 carry a concealed handgun but may possess a handgun on the physical
 2-24 premises of a school in a locked and secured safe within the
 2-25 marshal's immediate reach when conducting the marshal's primary
 2-26 duty. The written regulations must also require that a handgun
 2-27 carried by or within access of a school marshal may be loaded only
 2-28 with frangible duty ammunition approved for that purpose by the
 2-29 Texas Commission on Law Enforcement.

2-30 (e) A school marshal may access a handgun under this section
 2-31 only under circumstances that would justify the use of deadly force
 2-32 under Section 9.32 or 9.33, Penal Code.

2-33 (f) A private school employee's status as a school marshal
 2-34 becomes inactive on:

2-35 (1) expiration of the employee's school marshal
 2-36 license under Section 1701.260, Occupations Code;

2-37 (2) suspension or revocation of the employee's license
 2-38 to carry a handgun issued under Subchapter H, Chapter 411,
 2-39 Government Code;

2-40 (3) termination of the employee's employment with the
 2-41 private school; or

2-42 (4) notice from the governing body that the employee's
 2-43 services as school marshal are no longer required.

2-44 (g) The identity of a school marshal appointed under this
 2-45 section is confidential, except as provided by Section 1701.260(j),
 2-46 Occupations Code, and is not subject to a request under Chapter 552,
 2-47 Government Code.

2-48 (h) If a parent or guardian of a student enrolled at a
 2-49 private school inquires in writing, the school shall provide the
 2-50 parent or guardian written notice indicating whether any employee
 2-51 of the school is currently appointed a school marshal. The notice
 2-52 may not disclose information that is confidential under Subsection
 2-53 (g).

2-54 (i) This section does not apply to a school whose students
 2-55 meet the definition provided by Section 29.916(a)(1).

2-56 SECTION 4. Section 1701.001(8), Occupations Code, is
 2-57 amended to read as follows:

2-58 (8) "School marshal" means a person who:

2-59 (A) is ~~employed and~~ appointed to serve as a
 2-60 school marshal by:

2-61 (i) the board of trustees of a school
 2-62 district or ~~[7]~~ the governing body of an open-enrollment charter
 2-63 school under Section 37.0811, Education Code;

2-64 (ii) the governing body of a private school
 2-65 under Section 37.0813, Education Code; ~~[7]~~ or

2-66 (iii) the governing board of a public
 2-67 junior college under ~~[Article 2.127, Code of Criminal Procedure,~~
 2-68 ~~and in accordance with and having the rights provided by]~~ Section
 2-69 ~~[37.0811 or]~~ 51.220, Education Code;

3-1 (B) is licensed under Section 1701.260; and
3-2 (C) has powers and duties described by Article
3-3 2.127, Code of Criminal Procedure.

3-4 SECTION 5. Section 1701.260, Occupations Code, is amended
3-5 by amending Subsections (a) and (j) and adding Subsection (a-1) to
3-6 read as follows:

3-7 (a) The commission shall establish and maintain a training
3-8 program open to any employee of a school district, open-enrollment
3-9 charter school, private school, or public junior college who holds
3-10 a license to carry a handgun issued under Subchapter H, Chapter 411,
3-11 Government Code. The training may be conducted only by the
3-12 commission staff or a provider approved by the commission.

3-13 (a-1) In this section, "private school" has the meaning
3-14 assigned by Article 2.127, Code of Criminal Procedure.

3-15 (j) The commission shall submit the identifying information
3-16 collected under Subsection (b) for each person licensed by the
3-17 commission under this section to:

3-18 (1) the director of the Department of Public Safety;

3-19 (2) the person's employer, if the person is employed by
3-20 a school district, open-enrollment charter school, private school,
3-21 or public junior college;

3-22 (3) the chief law enforcement officer of the local
3-23 municipal law enforcement agency if the person is employed at a
3-24 campus of a school district, open-enrollment charter school,
3-25 private school, or public junior college located within a
3-26 municipality;

3-27 (4) the sheriff of the county if the person is employed
3-28 at a campus of a school district, open-enrollment charter school,
3-29 private school, or public junior college that is not located within
3-30 a municipality; and

3-31 (5) the chief administrator of any peace officer
3-32 commissioned under Section 37.081 or 51.203, Education Code, if the
3-33 person is employed at a school district or public junior college
3-34 that has commissioned a peace officer under either section.

3-35 SECTION 6. This Act takes effect immediately if it receives
3-36 a vote of two-thirds of all the members elected to each house, as
3-37 provided by Section 39, Article III, Texas Constitution. If this
3-38 Act does not receive the vote necessary for immediate effect, this
3-39 Act takes effect September 1, 2017.

3-40 * * * * *