

By: Swanson

H.B. No. 1108

A BILL TO BE ENTITLED

AN ACT

relating to the carrying and possession of a concealed handgun by a school marshal.

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

SECTION 1. Section 37.0811(d), Education Code, is amended to read as follows:

(d) Any written regulations adopted for purposes of Subsection (c):

(1) must:

(A) authorize [provide that] a school marshal to [may] carry a concealed handgun on or about the marshal's person; and

(B) [as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also] require that a handgun carried or possessed by [or within access of] a school marshal [may] be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement; and

(2) may not require a school marshal to store the handgun in a locked and secured safe or other location while on

1 duty.

2 SECTION 2. Section 37.0813(d), Education Code, is amended
3 to read as follows:

4 (d) Any written regulations adopted for purposes of
5 Subsection (c) must:

6 (1) provide that a school marshal may carry a
7 concealed handgun as described by Subsection (c); and

8 (2) [~~except that if the primary duty of the school~~
9 ~~marshal involves regular, direct contact with students in a~~
10 ~~classroom setting, the marshal may not carry a concealed handgun~~
11 ~~but may possess a handgun on the physical premises of a school in a~~
12 ~~locked and secured safe within the marshal's immediate reach when~~
13 ~~conducting the marshal's primary duty. The written regulations~~
14 ~~must also~~] require that a handgun carried or possessed by [~~or within~~
15 ~~access of~~] a school marshal [~~may~~] be loaded only with frangible duty
16 ammunition approved for that purpose by the Texas Commission on Law
17 Enforcement.

18 SECTION 3. Section 51.220(e), Education Code, is amended to
19 read as follows:

20 (e) Any written regulations adopted for purposes of
21 Subsection (d):

22 (1) must:

23 (A) authorize [~~provide that~~] a school marshal to
24 [~~may~~] carry a concealed handgun on or about the marshal's person;
25 and

26 (B) [~~as described by Subsection (d), except that~~
27 ~~if the primary duty of the school marshal involves regular, direct~~

1 ~~contact with students, the marshal may not carry a concealed~~
2 ~~handgun but may possess a handgun on the physical premises of a~~
3 ~~public junior college campus in a locked and secured safe within the~~
4 ~~marshal's immediate reach when conducting the marshal's primary~~
5 ~~duty. The written regulations must also] require that a handgun~~
6 ~~carried or possessed by [or within access of] a school marshal [may]~~
7 be loaded only with frangible duty ammunition approved for that
8 purpose by the Texas Commission on Law Enforcement; and

9 (2) may not require a school marshal to store the
10 handgun in a locked and secured safe or other location while on
11 duty.

12 SECTION 4. This Act applies beginning with the 2019-2020
13 academic year.

14 SECTION 5. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.