

1-1 By: Creighton, Hall S.B. No. 243
 1-2 (In the Senate - Filed December 14, 2018; February 7, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 2, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 4; April 2, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio		X		
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell		X		
1-17 Watson		X		
1-18 West		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 243 By: Bettencourt

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the carrying or storage of a handgun by a school
 1-24 marshal.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Sections 37.0811(d) and (e), Education Code, are
 1-27 amended to read as follows:

1-28 (d) Any written regulations adopted for purposes of
 1-29 Subsection (c) must provide that a ~~[school marshal may carry a~~
 1-30 ~~concealed handgun as described by Subsection (c), except that if~~
 1-31 ~~the primary duty of the school marshal involves regular, direct~~
 1-32 ~~contact with students, the marshal may not carry a concealed~~
 1-33 ~~handgun but may possess a handgun on the physical premises of a~~
 1-34 ~~school in a locked and secured safe within the marshal's immediate~~
 1-35 ~~reach when conducting the marshal's primary duty. The written~~
 1-36 ~~regulations must also require that a] handgun carried or possessed~~
 1-37 ~~by [or within access of] a school marshal may be loaded only with~~
 1-38 ~~frangible duty ammunition approved for that purpose by the Texas~~
 1-39 ~~Commission on Law Enforcement.~~

1-40 (e) A school marshal may use ~~[access]~~ a handgun the school
 1-41 marshal is authorized to carry or possess under this section only
 1-42 under circumstances that would justify the use of deadly force
 1-43 under Section 9.32 or 9.33, Penal Code.

1-44 SECTION 2. Sections 37.0813(d) and (e), Education Code, are
 1-45 amended to read as follows:

1-46 (d) Any written regulations adopted for purposes of
 1-47 Subsection (c) must provide that a ~~[school marshal may carry a~~
 1-48 ~~concealed handgun as described by Subsection (c), except that if~~
 1-49 ~~the primary duty of the school marshal involves regular, direct~~
 1-50 ~~contact with students in a classroom setting, the marshal may not~~
 1-51 ~~carry a concealed handgun but may possess a handgun on the physical~~
 1-52 ~~premises of a school in a locked and secured safe within the~~
 1-53 ~~marshal's immediate reach when conducting the marshal's primary~~
 1-54 ~~duty. The written regulations must also require that a] handgun~~
 1-55 ~~carried or possessed by [or within access of] a school marshal may~~
 1-56 ~~be loaded only with frangible duty ammunition approved for that~~
 1-57 ~~purpose by the Texas Commission on Law Enforcement.~~

1-58 (e) A school marshal may use ~~[access]~~ a handgun the school
 1-59 marshal is authorized to carry or possess under this section only
 1-60 under circumstances that would justify the use of deadly force

2-1 under Section 9.32 or 9.33, Penal Code.

2-2 SECTION 3. Sections 51.220(e) and (f), Education Code, are
2-3 amended to read as follows:

2-4 (e) Any written regulations adopted for purposes of
2-5 Subsection (d) must provide that a ~~[school marshal may carry a~~
2-6 ~~concealed]~~ handgun ~~[as described by Subsection (d), except that if~~
2-7 ~~the primary duty of the school marshal involves regular, direct~~
2-8 ~~contact with students, the marshal may not carry a concealed~~
2-9 ~~handgun but may possess a handgun on the physical premises of a~~
2-10 ~~public junior college campus in a locked and secured safe within the~~
2-11 ~~marshal's immediate reach when conducting the marshal's primary~~
2-12 ~~duty. The written regulations must also require that a handgun]~~
2-13 carried or possessed by ~~[or within access of]~~ a school marshal may
2-14 be loaded only with frangible duty ammunition approved for that
2-15 purpose by the Texas Commission on Law Enforcement.

2-16 (f) A school marshal may use ~~[access]~~ a handgun the school
2-17 marshal is authorized to carry or possess under this section only
2-18 under circumstances that would justify the use of deadly force
2-19 under Section 9.32 or 9.33, Penal Code.

2-20 SECTION 4. This Act applies beginning with the 2019-2020
2-21 school year.

2-22 SECTION 5. This Act takes effect immediately if it receives
2-23 a vote of two-thirds of all the members elected to each house, as
2-24 provided by Section 39, Article III, Texas Constitution. If this
2-25 Act does not receive the vote necessary for immediate effect, this
2-26 Act takes effect September 1, 2019.

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