

1-1 By: Birdwell S.B. No. 406  
 1-2 (In the Senate - Filed January 22, 2019; February 14, 2019,  
 1-3 read first time and referred to Committee on Education;  
 1-4 March 27, 2019, reported favorably by the following vote: Yeas 10,  
 1-5 Nays 1; March 27, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson		X		
1-17 West	X			

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

1-21 relating to the carrying or storage of a handgun by a school  
 1-22 marshal.

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

1-24 SECTION 1. Sections 37.0811(c), (d), and (e), Education  
 1-25 Code, are amended to read as follows:

1-26 (c) A school marshal appointed by the board of trustees of a  
 1-27 school district or the governing body of an open-enrollment charter  
 1-28 school may carry a concealed handgun or possess a handgun on the  
 1-29 physical premises of a school, but only:

1-30 (1) in the manner provided by written regulations  
 1-31 adopted by the board of trustees or the governing body; and

1-32 (2) at a specific school as specified by the board of  
 1-33 trustees or governing body, as applicable.

1-34 (d) Any written regulations adopted for purposes of  
 1-35 Subsection (c) must provide that a school marshal may carry a  
 1-36 concealed handgun on the school marshal's person or ~~[as described~~  
 1-37 ~~by Subsection (c), except that if the primary duty of the school~~  
 1-38 ~~marshal involves regular, direct contact with students, the marshal~~  
 1-39 ~~may not carry a concealed handgun but may]~~ possess the [a] handgun  
 1-40 on the physical premises of a school in a locked and secured safe or  
 1-41 other locked and secured location [within the marshal's immediate  
 1-42 reach when conducting the marshal's primary duty]. The written  
 1-43 regulations must also require that a handgun carried or possessed  
 1-44 by [or within access of] a school marshal may be loaded only with  
 1-45 frangible duty ammunition approved for that purpose by the Texas  
 1-46 Commission on Law Enforcement.

1-47 (e) A school marshal may use [access] a handgun the school  
 1-48 marshal is authorized to carry or possess under this section only  
 1-49 under circumstances that would justify the use of deadly force  
 1-50 under Section 9.32 or 9.33, Penal Code.

1-51 SECTION 2. Sections 37.0813(c), (d), and (e), Education  
 1-52 Code, are amended to read as follows:

1-53 (c) A school marshal appointed by the governing body of a  
 1-54 private school may carry a concealed handgun or possess a handgun on  
 1-55 the physical premises of a school, but only in the manner provided  
 1-56 by written regulations adopted by the governing body.

1-57 (d) Any written regulations adopted for purposes of  
 1-58 Subsection (c) must provide that a school marshal may carry a  
 1-59 concealed handgun on the school marshal's person or ~~[as described~~  
 1-60 ~~by Subsection (c), except that if the primary duty of the school~~  
 1-61 ~~marshal involves regular, direct contact with students in a~~

2-1 ~~classroom setting, the marshal may not carry a concealed handgun~~  
 2-2 ~~but may~~ possess the [a] handgun on the physical premises of a  
 2-3 school in a locked and secured safe or other locked and secured  
 2-4 location ~~[within the marshal's immediate reach when conducting the~~  
 2-5 ~~marshal's primary duty]~~. The written regulations must also require  
 2-6 that a handgun carried or possessed by ~~[or within access of]~~ a  
 2-7 school marshal may be loaded only with frangible duty ammunition  
 2-8 approved for that purpose by the Texas Commission on Law  
 2-9 Enforcement.

2-10 (e) A school marshal may use ~~[access]~~ a handgun the school  
 2-11 marshal is authorized to carry or possess under this section only  
 2-12 under circumstances that would justify the use of deadly force  
 2-13 under Section 9.32 or 9.33, Penal Code.

2-14 SECTION 3. Sections 51.220(d), (e), and (f), Education  
 2-15 Code, are amended to read as follows:

2-16 (d) A school marshal appointed by the governing board of a  
 2-17 public junior college may carry a concealed handgun or possess a  
 2-18 handgun on the physical premises of a public junior college campus,  
 2-19 but only:

2-20 (1) in the manner provided by written regulations  
 2-21 adopted by the governing board; and

2-22 (2) at a specific public junior college campus as  
 2-23 specified by the governing board.

2-24 (e) Any written regulations adopted for purposes of  
 2-25 Subsection (d) must provide that a school marshal may carry a  
 2-26 concealed handgun on the school marshal's person or ~~[as described~~  
 2-27 ~~by Subsection (d), except that if the primary duty of the school~~  
 2-28 ~~marshal involves regular, direct contact with students, the marshal~~  
 2-29 ~~may not carry a concealed handgun but may]~~ possess the [a] handgun  
 2-30 on the physical premises of a public junior college campus in a  
 2-31 locked and secured safe or other locked and secured location  
 2-32 ~~[within the marshal's immediate reach when conducting the marshal's~~  
 2-33 ~~primary duty]~~. The written regulations must also require that a  
 2-34 handgun carried or possessed by ~~[or within access of]~~ a school  
 2-35 marshal may be loaded only with frangible duty ammunition approved  
 2-36 for that purpose by the Texas Commission on Law Enforcement.

2-37 (f) A school marshal may use ~~[access]~~ a handgun the school  
 2-38 marshal is authorized to carry or possess under this section only  
 2-39 under circumstances that would justify the use of deadly force  
 2-40 under Section 9.32 or 9.33, Penal Code.

2-41 SECTION 4. This Act applies beginning with the 2019-2020  
 2-42 school year.

2-43 SECTION 5. This Act takes effect immediately if it receives  
 2-44 a vote of two-thirds of all the members elected to each house, as  
 2-45 provided by Section 39, Article III, Texas Constitution. If this  
 2-46 Act does not receive the vote necessary for immediate effect, this  
 2-47 Act takes effect September 1, 2019.

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