

1-1 By: Hughes S.B. No. 811
 1-2 (In the Senate - Filed February 13, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 March 25, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 3; March 25, 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. 811 By: Bettencourt

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

1-23 relating to immunity from liability of public and private schools
 1-24 and security personnel employed by those schools for certain
 1-25 actions of security personnel.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter C, Chapter 37, Education Code, is
 1-28 amended by adding Section 37.088 to read as follows:

1-29 Sec. 37.088. IMMUNITY FROM LIABILITY. (a) In this
 1-30 section:

1-31 (1) "Retired peace officer" has the meaning assigned
 1-32 by Section 1701.3161, Occupations Code.

1-33 (2) "Security personnel" includes:

1-34 (A) a school district peace officer;

1-35 (B) a school marshal;

1-36 (C) a school resource officer; and

1-37 (D) a retired peace officer who:

1-38 (i) has been hired by a school district,
 1-39 open-enrollment charter school, or private school to provide
 1-40 security services; or

1-41 (ii) volunteers to provide security
 1-42 services to the school district, open-enrollment charter school, or
 1-43 private school.

1-44 (b) A school district, open-enrollment charter school, or
 1-45 private school is immune from liability for any damages resulting
 1-46 from any reasonable action taken by security personnel to maintain
 1-47 the safety of the school campus, including action relating to
 1-48 possession or use of a firearm.

1-49 (c) A school district, open-enrollment charter school, or
 1-50 private school is immune from liability as provided by Subsection
 1-51 (b) for any damages resulting from any reasonable action taken by a
 1-52 school district, open-enrollment charter school, or private school
 1-53 employee who has written permission from the board of trustees of
 1-54 the school district or the governing body of the open-enrollment
 1-55 charter school or the private school to carry a firearm on campus.

1-56 (d) Any security personnel employed by a school district,
 1-57 open-enrollment charter school, or private school is immune from
 1-58 liability for any damages resulting from any reasonable action
 1-59 taken by the security personnel to maintain the safety of the school
 1-60 campus, including action relating to possession or use of a

2-1 firearm.

2-2 (e) The statutory immunity provided by this section is in
2-3 addition to and does not preempt the common law doctrine of official
2-4 and governmental immunity. To the extent that another statute
2-5 provides greater immunity to a school district, open-enrollment
2-6 charter school, or private school than this section, that statute
2-7 prevails.

2-8 SECTION 2. This Act applies beginning with the 2019-2020
2-9 school year.

2-10 SECTION 3. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2019.

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