

AN ACT

relating to school marshals.

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

SECTION 1. Article 2.127, Code of Criminal Procedure, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (b), a school marshal may:

(1) make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by:

(A) the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(B) the governing body of a private school under Section 37.0813, Education Code; [] or

(C) the governing board of a public junior college under Section 51.220, Education Code; [] and

(2) only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

(a-1) In this section, "private school" means a school that:

(1) offers a course of instruction for students in one or more grades from prekindergarten through grade 12;

1 (2) is not operated by a governmental entity; and

2 (3) is not a school whose students meet the definition
3 provided by Section 29.916(a)(1), Education Code.

4 (d) A person may not serve as a school marshal unless the
5 person is:

6 (1) licensed under Section 1701.260, Occupations
7 Code; and

8 (2) appointed by:

9 (A) the board of trustees of a school district or
10 the governing body of an open-enrollment charter school under
11 Section 37.0811, Education Code;

12 (B) the governing body of a private school under
13 Section 37.0813, Education Code; [7] or

14 (C) the governing board of a public junior
15 college under Section 51.220, Education Code.

16 SECTION 2. The heading to Section 37.0811, Education Code,
17 is amended to read as follows:

18 Sec. 37.0811. SCHOOL MARSHALS: PUBLIC SCHOOLS.

19 SECTION 3. Sections 37.0811(a) and (d), Education Code, are
20 amended to read as follows:

21 (a) The board of trustees of a school district or the
22 governing body of an open-enrollment charter school may appoint not
23 more than the greater of:

24 (1) one school marshal per 200 [400] students in
25 average daily attendance per campus; or

26 (2) for each campus, one school marshal per building
27 of the campus at which students regularly receive classroom

1 instruction.

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

15 SECTION 4. Subchapter C, Chapter 37, Education Code, is
16 amended by adding Section 37.0813 to read as follows:

17 Sec. 37.0813. SCHOOL MARSHALS: PRIVATE SCHOOLS. (a) The
18 governing body of a private school may appoint not more than the
19 greater of:

20 (1) one school marshal per 200 students enrolled in
21 the school; or

22 (2) one school marshal per building of the school at
23 which students regularly receive classroom instruction.

24 (b) The governing body of a private school may select for
25 appointment as a school marshal under this section an applicant who
26 is an employee of the school and certified as eligible for
27 appointment under Section 1701.260, Occupations Code.

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

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

17 (e) A school marshal may access a handgun under this section
18 only under circumstances that would justify the use of deadly force
19 under Section 9.32 or 9.33, Penal Code.

20 (f) A private school employee's status as a school marshal
21 becomes inactive on:

22 (1) expiration of the employee's school marshal
23 license under Section 1701.260, Occupations Code;

24 (2) suspension or revocation of the employee's license
25 to carry a handgun issued under Subchapter H, Chapter 411,
26 Government Code;

27 (3) termination of the employee's employment with the

1 private school; or

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

4 (g) The identity of a school marshal appointed under this
5 section is confidential, except as provided by Section 1701.260(j),
6 Occupations Code, and is not subject to a request under Chapter 552,
7 Government Code.

8 (h) If a parent or guardian of a student enrolled at a
9 private school inquires in writing, the school shall provide the
10 parent or guardian written notice indicating whether any employee
11 of the school is currently appointed a school marshal. The notice
12 may not disclose information that is confidential under Subsection
13 (g).

14 (i) This section does not apply to a school whose students
15 meet the definition provided by Section 29.916(a)(1).

16 SECTION 5. Section 51.220(e), Education Code, is amended to
17 read as follows:

18 (e) Any written regulations adopted for purposes of
19 Subsection (d) must provide that a school marshal may carry a
20 concealed handgun as described by Subsection (d), except that if
21 the primary duty of the school marshal involves regular, direct
22 contact with students, the marshal may not carry a concealed
23 handgun but may possess a handgun on the physical premises of a
24 public junior college campus in a locked and secured safe within the
25 marshal's immediate reach when conducting the marshal's primary
26 duty. The written regulations must also require that a handgun
27 carried by or within access of a school marshal may be loaded only

1 with frangible duty ammunition approved for that purpose by the
2 Texas Commission on Law Enforcement [~~designed to disintegrate on~~
3 ~~impact for maximum safety and minimal danger to others~~].

4 SECTION 6. Section 1701.001(8), Occupations Code, is
5 amended to read as follows:

6 (8) "School marshal" means a person who:

7 (A) is [~~employed and~~] appointed to serve as a
8 school marshal by:

9 (i) the board of trustees of a school
10 district or [~~or~~] the governing body of an open-enrollment charter
11 school under Section 37.0811, Education Code;

12 (ii) the governing body of a private school
13 under Section 37.0813, Education Code; [~~or~~]

14 (iii) the governing board of a public
15 junior college under [~~Article 2.127, Code of Criminal Procedure,~~
16 ~~and in accordance with and having the rights provided by~~] Section
17 [~~37.0811 or~~] 51.220, Education Code;

18 (B) is licensed under Section 1701.260; and

19 (C) has powers and duties described by Article
20 2.127, Code of Criminal Procedure.

21 SECTION 7. Section 1701.260, Occupations Code, is amended
22 by amending Subsections (a) and (j) and adding Subsection (a-1) to
23 read as follows:

24 (a) The commission shall establish and maintain a training
25 program open to any employee of a school district, open-enrollment
26 charter school, private school, or public junior college who holds
27 a license to carry a handgun issued under Subchapter H, Chapter 411,

1 Government Code. The training may be conducted only by the
2 commission staff or a provider approved by the commission.

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

5 (j) The commission shall submit the identifying information
6 collected under Subsection (b) for each person licensed by the
7 commission under this section to:

8 (1) the director of the Department of Public Safety;

9 (2) the person's employer, if the person is employed by
10 a school district, open-enrollment charter school, private school,
11 or public junior college;

12 (3) the chief law enforcement officer of the local
13 municipal law enforcement agency if the person is employed at a
14 campus of a school district, open-enrollment charter school,
15 private school, or public junior college located within a
16 municipality;

17 (4) the sheriff of the county if the person is employed
18 at a campus of a school district, open-enrollment charter school,
19 private school, or public junior college that is not located within
20 a municipality; and

21 (5) the chief administrator of any peace officer
22 commissioned under Section 37.081 or 51.203, Education Code, if the
23 person is employed at a school district or public junior college
24 that has commissioned a peace officer under either section.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 867

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 867 was passed by the House on May 9, 2017, by the following vote: Yeas 139, Nays 6, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 867 on May 25, 2017, by the following vote: Yeas 133, Nays 10, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 867 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor