

BILL ANALYSIS

C.S.H.B. 917
By: Villalba
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In response to the tragedy at Sandy Hook Elementary School, the legislature provided for a program through which a school district or open-enrollment charter school can appoint a school marshal to protect students and staff and through which school marshals receive training. Reports indicate that demand for the school marshal program has been high, and the private school community has expressed a growing interest in gaining access to the program. Interested parties contend that a private school should be provided with the opportunity to participate in the program so that the school does not have to create its own police department or hire private security, measures that can be very expensive to implement. C.S.H.B. 917 seeks to respond to these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 917 amends the Education Code to authorize the governing body of a private school to select for appointment as a school marshal an applicant who is an employee of the school and certified by the Texas Commission on Law Enforcement (TCOLE) as eligible for appointment. The bill limits the governing body to appointing a maximum of one school marshal per 400 students enrolled in the school. The bill authorizes a school marshal to carry or possess a handgun on the physical premises of a school but only in the manner provided by written regulations adopted by the governing body. The bill requires any adopted written regulations to provide for the authorization of a school marshal to carry a concealed handgun. The bill further requires adopted regulations to prohibit a school marshal whose primary duty involves regular, direct contact with students from carrying a concealed handgun and to authorize such a marshal to 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 bill requires adopted regulations to require a handgun carried by a school marshal or within access of a school marshal to be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

C.S.H.B. 917 authorizes a school marshal to access a handgun only under circumstances that would justify the use of deadly force as provided under statutory provisions relating to the justified use of deadly force in defense of person or in defense of a third person. The bill specifies that a private school employee's status as a school marshal becomes inactive on

expiration of the employee's school marshal license, on suspension or revocation of the employee's license to carry a concealed handgun, on termination of the employee's employment with the private school, or on notice from the governing body that the employee's services as school marshal are no longer required. The bill specifies that the identity of an appointed school marshal is confidential, except to certain persons and entities, and is not subject to a request under state public information law. The bill's provisions authorizing a private school to appoint a school marshal do not apply to a home school.

C.S.H.B. 917 requires a school district, open-enrollment charter school, or private school, if a parent or guardian of a student enrolled at the school inquires in writing, to provide the parent or guardian written notice indicating whether any employee of the school is currently appointed a school marshal. The bill prohibits the disclosure of the identity of a school marshal through such notice.

C.S.H.B. 917 amends the Occupations Code to clarify that all information submitted to or collected by TCOLE in connection with certification for appointment as a school marshal is confidential, with certain exceptions, and is not subject to disclosure under state public information law.

C.S.H.B. 917 amends the Code of Criminal Procedure to make conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 917 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Article 2.127, Code of Criminal Procedure, is amended.	SECTION 1. Same as introduced version.
SECTION 2. The heading to Section 37.0811, Education Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 37.0811, Education Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Subchapter C, Chapter 37, Education Code, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Section 1701.001(8), Occupations Code, is amended to read as follows: (8) "School marshal" means a person <u>who:</u> (A) is employed and appointed <u>to serve as a school marshal</u> by:	SECTION 5. Section 1701.001(8), Occupations Code, is amended to read as follows: (8) "School marshal" means a person <u>who:</u> (A) is employed and appointed <u>to serve as a school marshal</u> by:

(i) the board of trustees of a school district or the governing body of an open-enrollment charter school under [~~Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by~~] Section 37.0811, Education Code; or
(ii) the governing body of a private school under Section 37.0812, Education Code;
(B) is licensed under Section 1701.260; and
(C) has powers and duties described by Article 2.127, Code of Criminal Procedure.

SECTION 6. Section 1701.260, Occupations Code, is amended.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(i) the board of trustees of a school district or the governing body of an open-enrollment charter school under [~~Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by~~] Section 37.0811, Education Code; or
(ii) the governing body of a private school under Section 37.0812, Education Code;
(B) is licensed under Section 1701.260; and
(C) has powers and duties described by Article 2.127, Code of Criminal Procedure.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.