

BILL ANALYSIS

Senate Research Center
87R16076 MEW-D

C.S.S.B. 838
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State Affairs
4/22/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background

Pursuant to Section 46.03(a)(1)(A), Penal Code, several school districts throughout the state have authorized individuals to carry weapons for the purpose of providing school safety and security. The school district policies that allow for individuals to carry weapons on campus are commonly referred to as "school guardian" programs. The districts that have enacted guardian programs often consider the approach the best protection for rural school districts that may not be able to count on an immediate response from law enforcement during a crisis event.

In an effort to support "school guardian" programs throughout the state, S.B. 838 requires the Texas School Safety Center to develop best practices for school districts and charter schools which authorize school guardians. S.B. 838 also requires school guardians to report their identities to the Texas School Safety Center and local law enforcement upon written request and ensures that the identities of school guardians is not subject to disclosure.

Committee Substitute Changes

C.S.S.B. 838 provides for a technical correction in the bill by striking the last sentence in SECTION 1 which provides for who is not a school guardian. The committee substitute also allows the Texas School Safety Center to have access to "any information" relating to school guardian plans and allows state law enforcement to have access to the identities of school guardians.

C.S.S.B. 838 amends current law relating to the authorization by a school district or open-enrollment charter school for a person to carry or possess a weapon on school premises for purposes of safety and security.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 37, Education Code, by adding Section 37.0814, as follows:

Sec. 37.0814. SCHOOL GUARDIANS. (a) Defines "school guardian" to mean a person who, pursuant to the written regulations or written authorization of a school district or open-enrollment charter school under Section 46.03(a)(1)(A) (relating to the authorization of a person to possess certain weapons on the physical premises of a school or educational institution), Penal Code, is authorized to carry or possess a specified weapon for the purpose of providing safety and security on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or a passenger transportation vehicle of a school.

(b) Requires the Texas School Safety Center (center) to develop best practices for school districts and open-enrollment charter schools that authorize school guardians to provide safety and security.

(c) Requires a school district or open-enrollment charter school that has adopted written regulations or written authorization allowing for school guardians to report any information relating to the implementation of the regulations or authorization and the identity of each school guardian to the center, in the form and manner prescribed by the center, and a state or local law enforcement agency, on written request of the head of the agency.

(d) Provides that information reported under Subsection (c) is confidential and is not subject to disclosure under Chapter 552 (Public Information), Government Code, by a school district, an open-enrollment charter school, the center, or a law enforcement agency.

SECTION 2. Effective date: September 1, 2021.