

## **BILL ANALYSIS**

H.B. 1788  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law provides immunity from liability for certain personal injury claims regarding school districts and staff. Concerns have been raised regarding the potential liability of certain school security personnel with respect to the reasonable performance of their own duties. This potential liability is viewed as an impediment to all schools, hindering them in taking advantage of every available security option for students and staff as they contemplate school safety programs. H.B. 1788 extends to school districts, open-enrollment charter schools, and private schools immunity from liability for certain actions of their peace officers, school marshals, school resource officers, and employed or volunteer retired peace officers.

### **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**

H.B. 1788 amends the Education Code to grant a public school district, open-enrollment charter school, and any security personnel employed by a district, charter school, or private school immunity from liability for any damages resulting from any reasonable action taken by the security personnel to maintain the safety of the school campus, including action relating to the possession or use of a firearm. For purposes of this immunity, "security personnel" includes a school district peace officer, a school marshal, a school resource officer, and a retired peace officer who has been hired by a district, charter school, or private school to provide security services or who volunteers to provide security services to the district or school.

H.B. 1788 grants a district, charter school, or private school immunity from liability for any damages resulting from any reasonable action taken by a district or school employee who has written permission from the district's board of trustees or the school's governing body to carry a firearm on campus. The immunity provided by the bill is in addition to and expressly does not preempt the common law doctrine of official and governmental immunity. To the extent that another statute provides greater immunity to a district, charter school, or private school than the bill, that statute prevails.

H.B. 1788 applies beginning with the 2021-2022 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.