

## **BILL ANALYSIS**

Senate Research Center

S.B. 386  
By: Taylor, Van; Bettencourt  
Higher Education  
6/26/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2013, the legislature authorized the board of trustees of a public school district, or the governing body of an open-enrollment charter school, to create a school marshal program.

The 2013 law did not explicitly authorize junior public colleges to establish a school marshal program. S.B. 386 authorizes the governing body of a junior public college to establish a school marshal program. This authorization is permissive: the governing body for a private school reserves the right to decide whether to appoint a school marshal. If the governing body for a junior public college does elect to appoint a school marshal, then the marshal may carry or possess a handgun on school premises in a manner provided by written regulations adopted by the governing body. S.B. 386 authorizes the governing board to appoint one school marshal per 400 students per campus. The bill also requires that a junior public school marshal undergo the same training and certification required for public and charter school marshals.

S.B. 386 amends current law relating to school marshals for public junior colleges, notifying a parent or guardian whether an employee of a public junior college is appointed school marshal, and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal.

### **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 Articles 2.127(a) and (d), Code of Criminal Procedure, as follows:

(a) Authorizes a school marshal to make arrests and exercise all authority given to peace officers under this code, subject to written regulations adopted by the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811 (School Marshals), Education Code, or the governing board of a public junior college under Section 51.220, Education Code, and 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, except as provided by Subsection (b) (prohibiting a school marshal from issuing a traffic citation for a certain violation).

(d) Prohibits a person from serving as a school marshal unless the person is;

(1) Makes no change to this subdivision; and

(2) appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code, or the governing board of a public junior college under Section 51.220, Education Code.

SECTION 2. Amends Subchapter E, Chapter 51, Education Code, by adding Section 51.220, as follows:

Sec. 51.220. PUBLIC JUNIOR COLLEGE SCHOOL MARSHALS. (a) Defines "public junior college" for purposes of this section.

(b) Authorizes the governing board of a public junior college to appoint one or more school marshals.

(c) Authorizes the governing board of a public junior college to select for appointment as a school marshal under this section an applicant who is an employee of the public junior college and certified as eligible for appointment under Section 1701.260 (Training for Holders of License to Carry Concealed Handgun; Certification of Eligibility for Appointment as School Marshal), Occupations Code. Authorizes the governing board to, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under that section.

(d) Authorizes a school marshal appointed by the governing board of a public junior college to carry or possess a handgun on the physical premises of a public junior college campus, but only:

(1) in the manner provided by written regulations adopted by the governing board; and

(2) at a specific public junior college campus as specified by the governing board.

(e) Requires that any written regulations adopted for purposes of Subsection (d) provide that a school marshal may carry a concealed handgun as described by Subsection (d), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a public junior college campus in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. Requires that the written regulations also require that a handgun carried by or within access of a school marshal may be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

(f) Authorizes the school marshal to access a handgun under this section only under circumstances that would justify the use of deadly force under Section 9.32 (Deadly Force in Defense of Person) or 9.33 (Defense of Third Person), Penal Code.

(g) Provides that a public junior college employee's status as a school marshal becomes inactive on:

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

(2) suspension or revocation of the employee's license to carry a concealed handgun issued under Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code;

(3) termination of the employee's employment with the public junior college; or

(4) notice from the governing board of the public junior college that the employee's services as school marshal are no longer required.

(h) Provides that the identity of a school marshal appointed under this section is confidential, except as provided by Section 1701.260(j), Occupations Code, and is

not subject to a request under Chapter 552 (Public Information), Government Code.

(i) Requires the governing board of the public junior college, if a parent or guardian of a student enrolled at a public junior college inquires in writing, to provide the parent or guardian written notice indicating whether any employee of the public junior college is currently appointed a school marshal. Prohibits the notice from disclosing information that is confidential under Subsection (h).

SECTION 3. Amends Sections 1701.260(a), (j), and (l), Occupations Code, as follows:

(a) Requires the Texas Commission on Law Enforcement (TCOLE) to establish and maintain a training program open to any employee of a school district, open-enrollment charter school, or public junior college who holds a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code. Authorizes only the TCOLE staff or a provider approved by the TCOLE to conduct the training. Makes a nonsubstantive change.

(j) Requires TCOLE to submit the identifying information collected under Subsection (b) (requiring TCOLE to collect from each person who participates in the training program certain identifying information) for each person licensed by TCOLE under this section to:

(1) Makes no change to this subdivision;

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

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

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

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

(l) Provides that all information collected or submitted under this section is confidential, rather than provides that identifying information about a person collected or submitted under this chapter is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter 552, Government Code.

Makes nonsubstantive changes.

SECTION 4. Amends Section 1701.001(8), Occupations Code, to redefine "school marshal."

SECTION 5. Effective date: September 1, 2015.