

BILL ANALYSIS

Senate Research Center
84R3390 AAF-D

S.B. 386
By: Taylor, Van
Higher Education
3/27/2015
As Filed

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. As introduced, 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.

As proposed, S.B. 386 amends current law relating to the appointment of school marshals by public junior colleges.

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, the governing body of an open-enrollment charter school, or the governing board of a public junior college under Section 37.0811 (School Marshals), 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 type of violation). Makes a nonsubstantive change.

(d) Provides that a person may not serve as a school marshal unless the person is licensed under Section 1701.260 (Training for Holders of License to Carry Concealed Handgun; Certification of Eligibility for Appointment as School Marshal), Occupations Code, and appointed by the board of trustees of a school district, the governing body of an open-enrollment charter school, or the governing board of a public junior college under Section 37.0811, Education Code. Makes a nonsubstantive change.

SECTION 2. Amends Sections 37.0811(a), (b), (c), and (f), Education Code, as follows:

(a) Prohibits the board of trustees of a school district, the governing body of an open-enrollment charter school, or the governing board of a public junior college from appointing more than one school marshal per 400 students in average daily attendance per campus. Makes a nonsubstantive change.

(b) Authorizes the board of trustees of a school district, the governing body of an open-enrollment charter school, or 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 school district, open-enrollment charter school, or public junior college and certified as eligible for appointment under Section 1701.260, Occupations Code. Authorizes, but does not require, the board of trustees, governing body, or governing board to reimburse the amount paid by the applicant to participate in the training program under that section. Makes nonsubstantive changes.

(c) Authorizes a school marshal appointed by the board of trustees of a school district, the governing body of an open-enrollment charter school, or the governing board of a public junior college to carry or possess a handgun on the physical premises of a school, but only:

(1) in the manner provided by written regulations adopted by the board of trustees, the governing body, or the governing board; and

(2) at a specific school as specified by the board of trustees, governing body, or governing board, as applicable.

Makes nonsubstantive changes.

(f) Provides that a school district, charter school, or public junior college employee's status as a school marshal becomes inactive on:

(1)-(2) Makes no change to these subdivisions;

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

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

Makes nonsubstantive changes.

SECTION 3. Amends Sections 1701.260(a) and (j), 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 (License to Carry a Concealed Handgun), 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) Makes no change to this subdivision.

Makes nonsubstantive changes.

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

SECTION 5. Effective date: September 1, 2015.