

BILL ANALYSIS

H.B. 867
By: Villalba
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that a private school should have more options for providing security to students and teachers. H.B. 867 seeks to address this issue by authorizing school marshals for private schools.

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. 867 amends the Education Code to authorize the governing body of a private school to appoint not more than the greater of one school marshal per 200 students enrolled in the school or one school marshal per building of the school at which students regularly receive classroom instruction. The bill authorizes a private school's governing body to select for appointment as a school marshal an applicant who is an employee of the school and is certified as eligible for appointment under applicable Occupations Code provisions. The bill authorizes a private school's school marshal to carry or possess a handgun on the physical premises of a school, provides that the marshal may carry or possess the handgun only in the manner provided by written regulations adopted by the school's governing body, and sets out certain requirements regarding the written regulations.

H.B. 867 restricts the marshal's access to a handgun to circumstances that would justify the use of deadly force under Penal Code provisions relating to defense of person or defense of third person. The bill sets out the circumstances under which a private school employee's status as a school marshal becomes inactive.

H.B. 867 makes confidential the identity of a private school's school marshal, with certain exceptions provided under Occupations Code provisions regarding the training and licensure of a school marshal, and makes the identity of such a marshal not subject to request under state public information law. The bill requires a private school to provide the parent or guardian of a student enrolled at the school written notice indicating whether any school employee is currently appointed a school marshal if the parent or guardian inquires in writing and prohibits such notice from disclosing information made confidential by the bill. The bill's provisions authorizing the appointment of a school marshal at a private school expressly do not apply to a school whose students predominantly receive instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through

the child's home.

H.B. 867 amends the Code of Criminal Procedure and the Occupations Code to make conforming changes regarding, respectively, the general duties of school marshals and the training and licensure of a school marshal.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.