(4) service in the employ of the United States government or an instrumentality of the United States exempt under the United States Constitution from the contributions imposed by this subtitle; or

(5) service described by Subdivisions (1)-(3) performed in the employ of an Indian tribe.

SECTION 2. The change in law made by this Act applies only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 3, 2013: Yeas 137, Nays 0, 1 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 655

H.B. No. 1009

AN ACT
relating to the creation of a new category of law enforcement officer who shall be designated a school marshal, the training and appointment of certain employees of a school district or open-enrollment charter school as school marshals, and the rights, restrictions, limitations, and responsibilities of school marshals; authorizing the imposition of a fee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. This Act shall be known as the Protection of Texas Children Act.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.127 to read as follows:

Art. 2.127. SCHOOL MARSHALS. (a) Except as provided by Subsection (b), a school marshal may make arrests and exercise all authority given 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, 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.

(b) A school marshal may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(c) A school marshal is not entitled to state benefits normally provided by the state to a peace officer.

(d) A person may not serve as a school marshal unless the person is:

(1) licensed under Section 1701.260, Occupations Code; 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.

SECTION 3. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0811 to read as follows:

Sec. 37.0811. SCHOOL MARSHALS. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint not more than one school marshal per 400 students in average daily attendance per campus.

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school may select for appointment as a school marshal under this section an applicant who is an employee of the school district or open-enrollment charter school and certified as eligible for appointment under Section 1701.260, Occupations Code. The board of
trustees or governing body may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under that section.

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may 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 or the governing body; and

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

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a school marshal may carry a concealed handgun as described by Subsection (c), 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 school in a locked and secured safe within the marshal’s immediate reach when conducting the marshal’s primary duty. The written regulations must 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.

(e) A school marshal may access a handgun under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

(f) A school district or charter school 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, Chapter 411, Government Code;

(3) termination of the employee’s employment with the district or charter school; or

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

(g) 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, Government Code.

SECTION 4. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1871 to read as follows:

Sec. 411.1871. NOTICE OF SUSPENSION OR REVOCATION OF CERTAIN LICENSES. The department shall notify the Texas Commission on Law Enforcement Officer Standards and Education if the department takes any action against the license of a person identified by the commission as a person certified under Section 1701.260, Occupations Code, including suspension or revocation.

SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.260 to read as follows:

Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY CONCEALED HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS SCHOOL MARSHAL. (a) The commission shall establish and maintain a training program open to any employee of a school district or open-enrollment charter school who holds a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(b) The commission shall collect from each person who participates in the training program identifying information that includes the person’s name, the person’s date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person’s place of employment.

(c) The training program shall include 80 hours of instruction designed to:
(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) introduce the trainee to effective law enforcement strategies and techniques;

(4) improve the trainee’s proficiency with a handgun; and

(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

d) The commission, in consultation with psychologists, shall devise and administer to each trainee a psychological examination to determine whether the trainee is psychologically fit to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter. The commission may license a person under this section only if the results of the examination indicate that the trainee is psychologically fit to carry out those duties.

e) The commission shall charge each trainee a reasonable fee to cover the cost to the commission of conducting the program. The commission shall charge each person seeking renewal of a school marshal license a reasonable fee to cover the cost to the commission of renewing the person’s license.

f) The commission shall license a person who is eligible for appointment as a school marshal who:

(1) completes training under this section to the satisfaction of the commission staff; and

(2) is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under this section.

g) A person’s license under this section expires on the first birthday of the person occurring after the second anniversary of the date the commission licenses the person. A renewed school marshal license expires on the person’s birth date, two years after the expiration of the previous license.

h) A person may renew the school marshal license under this section by:

(1) successfully completing a renewal course designed and administered by the commission, which such license renewal training will not exceed 16 hours combined of classroom and simulation training;

(2) demonstrating appropriate knowledge on an examination designed and administered by the commission;

(3) demonstrating handgun proficiency to the satisfaction of the commission staff; and

(4) demonstrating psychological fitness on the examination described in Subsection (d).

i) The commission shall revoke a person’s school marshal license if the commission is notified by the Department of Public Safety that the person’s license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1) furnishing proof to the commission that the person’s concealed handgun license has been reinstated; and

(2) completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

j) The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:

(1) the director of the Department of Public Safety; and

(2) the person’s employer, if the person is employed by a school district or open-enrollment charter school.
(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 or open-enrollment charter school located within a municipality;

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

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

(k) The commission shall immediately report the expiration or revocation of a school marshal license to the persons listed in Subsection (j).

(1) Identifying information about a person collected or submitted under this section is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter 552, Government Code.

SECTION 6. Section 1701.001, Occupations Code, is amended to read as follows:

Sec. 1701.001. DEFINITIONS. In this chapter:

(1) “Commission” means the Commission on Law Enforcement Officer Standards and Education.

(2) “County jailer” means a person employed as a county jail guard under Section 85.005, Local Government Code.

(3) “Officer” means a peace officer or reserve law enforcement officer.

(4) “Peace officer” means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

(5) “Public security officer” means a person employed or appointed as an armed security officer by this state or a political subdivision of this state. The term does not include a security officer employed by a private security company that contracts with this state or a political subdivision of this state to provide security services for the entity.

(6) “Reserve law enforcement officer” means a person designated as a reserve law enforcement officer under Section 85.004, 86.012, or 941.012, Local Government Code, or Section 60.0775, Water Code.

(7) “Telecommunicator” means a person acknowledged by the commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communication.

(8) “School marshal” means a person employed and appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by Section 37.0811, Education Code.

SECTION 7. Section 1701.301, Occupations Code, is amended to read as follows:

Sec. 1701.301. LICENSE REQUIRED. Except as provided by Sections 1701.310 and 1701.311, a person may not appoint a person to serve as an officer, county jailer, school marshal, or public security officer unless the person appointed holds an appropriate license issued by the commission.

SECTION 8. The Commission on Law Enforcement Officer Standards and Education shall establish a school marshal training program as required by Section 1701.266, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 6, 2013: Yeas 123, Nays 22, 1 present, not voting; passed by the Senate on May 22, 2013: Yeas 27, Nays 4.
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 106.115(a), Alcoholic Beverage Code, is amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Department of State Health Services under this section or a drug and alcohol driving awareness program approved by the Texas Education Agency [Texas Commission on Alcohol and Drug Abuse]. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend an alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend an alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Department of State Health Services [Texas Commission on Alcohol and Drug Abuse]:

(1) is responsible for the administration of the certification of approved alcohol awareness programs;
(2) may charge a nonrefundable application fee for:
   (A) initial certification of the approval; or
   (B) renewal of the certification;
(3) shall adopt rules regarding alcohol awareness programs approved under this section; and
(4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.