

BILL ANALYSIS

Senate Research Center
86R17517 GCB-D

C.S.S.B. 243
By: Creighton
Education
3/27/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 243 removes the state mandate that all school marshals in regular and direct contact with students shall keep their firearms locked in a safe. Individual schools may still adopt this requirement if it is in the best interest of their students' safety. However, smaller school districts observe that a single personnel member may have different duties throughout the day, some requiring student contact and some not. This would result in the personnel member locking, retrieving, and holstering their firearm several times a day. This process was noted as the most probable time to experience an accidental discharge. It should be noted there has not yet been a single accidental discharge under the school marshal program. However, to minimize the probability of this occurrence, S.B. 243 removes this statutory requirement, leaving this decision to the governing board of public schools, open-enrollment charter schools, and private schools. (Original Sponsor's/Author's Statement of Intent)

C.S.S.B. 243 amends current law relating to the carrying or storage of a handgun by a 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 Sections 37.0811(d) and (e), Education Code, as follows:

(d) Requires any written regulations adopted for purposes of Subsection (c) (relating to a school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school) to provide that a handgun carried or possessed by a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement. Deletes existing text that created an exception to a school marshal's authorization to carry a concealed handgun.

(e) Authorizes a school marshal to use a handgun the school marshal is authorized to carry or possess under this section, rather than 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.

SECTION 2. Amends Sections 37.0813(d) and (e), Education Code, as follows:

(d) Requires any written regulations adopted for purposes of Subsection (c) (relating to a school marshal appointed by the governing body of a private school) to provide that a handgun carried or possessed by, rather than within access of, a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement. Deletes existing test authorizing a school marshal to carry a concealed handgun as described by Subsection (c) with certain exceptions.

(e) Authorizes a school marshal to use a handgun, the school marshal is authorized to carry or possess under this section, rather than 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.

SECTION 3. Amends Sections 51.220(e) and (f), Education Code. as follows:

(e) Requires any written regulations adopted for purposes of Subsection (d) (relating to a school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school) to provide that a handgun carried or possessed by a school marshal, rather than carried by or within access of a school marshal, may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement. Deletes existing text that created an exception to a school marshal's authorization to carry a concealed handgun.

(f) Authorizes a school marshal to use a handgun, the school marshal is authorized to carry or possess under this section, rather than 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.

SECTION 4. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.