

## **BILL ANALYSIS**

C.S.H.B. 414  
By: Flynn  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There have been calls to protect a public school teacher's right to self defense. C.S.H.B. 414 seeks to address this issue by enacting the Teacher's Protection Act, to reinforce that an educator is justified in certain school-related spaces and events to defend the educator's person or students or property of the employing school under certain circumstances without facing undue liability or risking disciplinary action for asserting that right.

### **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**

C.S.H.B. 414 amends the Education Code to entitle an educator who uses force that is justified in the manner provided by Penal Code provisions relating to justification excluding criminal responsibility to civil immunity for injury or death that results from the educator's use of force or deadly force, as applicable, and to establish that such an educator is prohibited from being suspended or terminated from employment or subject to other disciplinary action solely as a result of a justified use of force.

C.S.H.B. 414 authorizes a principal or other appropriate administrator to suspend a student who engages in conduct that contains the elements of the offense of assault against an employee of the school, regardless of whether that conduct is identified in the student code of conduct as conduct for which a student may be suspended.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 414 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions relating to:

- justification in the use of force in defense of the educator's person or of students or in

defense of property of the school that employs the educator; or

- establishing that the bill's provisions do not prevent an educator who is a defendant in a criminal prosecution from offering as a defense to prosecution certain justification provided by Penal Code provisions relating to justification excluding criminal responsibility.

The substitute includes a provision establishing that an educator who uses justifiable force is prohibited from being suspended or terminated from employment or subject to other disciplinary action solely as a result of that use of force.