

BILL ANALYSIS

S.B. 741
By: Birdwell
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the written regulations regarding a school marshal's authority to carry or possess a handgun must provide for the handgun's storage in a safe if the marshal's primary duty involves regular, direct contact with students. However, concerns have been raised about the accessibility of a handgun by a school marshal during an emergency event on a school campus. S.B. 741 seeks to address these concerns by providing express authority for all school marshals to carry a concealed handgun on the physical premises where they work, irrespective of the marshal's primary duties.

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

S.B. 741 amends the Education Code to provide express authority for any school marshal appointed by the board of trustees of a public school district, the governing body of an open-enrollment charter school or private school, or the governing board of a public junior college to carry a concealed handgun on the applicable physical premises and on the school marshal's person, irrespective of the marshal's primary duties and subject to certain written regulations adopted by the applicable governing body. The bill requires that those written regulations authorize a school marshal to possess a handgun on the applicable physical premises in a locked and secured location, regardless of whether the handgun is within the marshal's immediate reach when conducting the marshal's primary duty. The bill revises the provision requiring the written regulations to restrict the type of ammunition that may be loaded in a handgun carried by or within access of a school marshal to specify that the restriction applies with respect to a handgun carried or possessed by the marshal. The bill specifies that a school marshal may use a handgun the marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force to defend the marshal or a third person. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.