

- SUBJECT:** Allowing school marshals to conceal carry handguns
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 7 ayes — White, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
2 nays — Bowers, Goodwin
- SENATE VOTE:** On final passage, May 3 — 18-12 (Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)
- WITNESSES:** For — None
Against — Christina Puentes and Gyl Switzer, Texas Gun Sense; (*Registered, but did not testify*: Georgia Keysor, Indivisible Rosedale Huddle; Jackie Hardee, Indivisible Rosedale Huddle, Indivisible Tex Lege; Susana Carranza, League of Women Voters of Texas; Frances Schenkkan, Texas Gun Sense; Laura Atlas Kravitz, Texas State Teachers Association; Kirk Broaddus; Karen Collins; Idona Griffith; Vanessa MacDougal; Robert Norris)
- BACKGROUND:** Education Code sec. 37.0811 allows a school marshal of a school district or an open-enrollment charter school to carry or possess a handgun on the physical premises of a school, subject to certain conditions. A marshal may do so only in the manner provided by written regulations adopted by the board of trustees or the governing body and at a specific school as specified by the board of trustees or governing body.

Under sec. 37.0811(d), the written regulations must provide that a school marshal may carry a concealed handgun as described by the regulations, 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 also must

require that a handgun 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. School marshals may access a handgun only under circumstances that would justify the use of deadly force under certain Penal Code provisions.

Similar provisions exist in Education Code sec. 37.0813 for school marshals at private schools and in sec. 51.220 for public junior college school marshals.

Concerns have been raised about the accessibility of a handgun by a school marshal during an emergency event on a school campus, limiting their ability to respond in a timely manner. It has been suggested that schools and public junior colleges should have the authority to decide how best to employ their school marshal programs.

DIGEST:

SB 741 would revise the requirements for regulations adopted by a school's governing entity to establish where a school marshal, private school marshal, or public junior college school marshal could carry or possess a handgun.

The regulations would no longer have to prohibit a marshal with primary duties involving regular, direct contact with students from carrying the handgun. The bill would require that written regulations regarding the carrying and possession of a handgun would have to provide that the marshal could carry a concealed handgun on the marshal's person or store the gun on the school's premises in a locked or secured safe or other locked and secure location. The current authority of school marshals to access a handgun under certain circumstances that would justify the use of deadly force under the Penal Code would be revised to authorize the marshal to use the handgun during those situations.

The bill would apply beginning with the 2021-2022 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2021.