

BILL ANALYSIS

Senate Research Center
88R2618 JTZ-D

S.B. 357
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Education
3/6/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To increase school safety, the state must look at a multitude of approaches in order to adequately address the issue. One approach is to expand who can currently serve as a contracted school safety officer. Under the Texas Education Code Section 37.081(a), only commissioned peace officers may serve as contracted safety officers for school, and by very definition may only serve in the school when not on duty with their respective police force. This severely limits who may serve as contracted security personnel on school campuses, despite the fact that there are many retired personnel who are amply qualified to fulfill these roles.

This bill:

Expands the definition of who can serve as a school district peace officer to include honorably retired peace officers.

Keeps in place all training and vetting requirements for eligible candidates.

As proposed, S.B. 357 amends current law relating to the employment of honorably retired peace officers as school district security personnel and the applicability to those officers of certain law governing private security.

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 Section 37.081(a), Education Code, as follows:

(a) Requires a person employed as security personnel to be a commissioned police officer or an honorably retired peace officer, as that term is defined by Section 614.121 (Definitions), Government Code, if a board of trustees of a school district authorizes the person to carry a weapon.

SECTION 2. Amends Section 1702.322, Occupations Code, as follows:

Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. Provides that Chapter 1702 (Private Security) does not apply to:

(1) a person who is a peace officer or an honorably retired peace officer, as that term is defined by Section 614.121, Government Code, rather than a person who has full-time employment as a peace officer, and who receives compensation for private employment on an individual or an independent contractor basis as patrolman, guard, extra job coordinator, or watchman if the officer:

(A)-(B) makes no changes to these paragraphs;

(C) is compensated at least at the minimum wage, rather than is not a reserve peace officer, by:

(i) for a peace officer, the state or a political subdivision of the state; or

(ii) for an honorably retired peace officer, a school district; and

(D) is entitled to all employee benefits offered to a peace officer by the state or political subdivision described by Paragraph (C), rather than works as a peace officer on the average of at least 32 hours a week, is compensated by the state or political subdivision of the state at least at the minimum wage, and is entitled to all the employee benefits offered to a peace officer by the state or political subdivision; or

(2)-(4) makes no changes to these subdivisions.

SECTION 3. Effective date: upon passage or September 1, 2023.