

Representative Mike Thompson proposes to substitute the following bill:

GUN SAFETY LAW AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Thompson

This act modifies provisions relating to public school curriculum. The act authorizes school districts to provide gun safety classes to high school seniors.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-13-106, as last amended by Chapters 278 and 282, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-13-106** is amended to read:

53A-13-106. Instruction in firearm safety -- Purpose -- School districts to implement volunteer education classes -- Parental consent exception.

(1) (a) School districts ~~[may]~~ **h [shall] MAY h** permit the use of district approved volunteers or school district teachers for instruction of firearm safety education classes for students.

(b) A firearm safety class may be offered as:

(i) an independent course during the week or on Saturdays; or

(ii) a portion of an existing course provided that it does not interfere with existing course material.

~~[(b)]~~ (c) The volunteers or school district teachers instructing the firearm safety education class are encouraged to utilize district approved donated materials prepared and approved by firearms training and education organizations ~~[or to develop their own materials within existing budgets]~~ and law enforcement agencies.

(d) The volunteers or school district teachers instructing the firearm safety education class h [shall] MAY h select materials and teach the class on a neutral basis showing a bias neither in favor of nor



26 against firearms.

27 (2) The purpose of firearm safety education is to:

28 (a) develop the knowledge, habits, skills, and attitudes necessary for the safe handling of
29 firearms; ~~[and]~~

30 (b) help students avoid firearm injuries~~[-]~~; and

31 (c) educate students about the risks and benefits of firearm ownership and usage.

32 (3) (a) School districts may offer firearm safety instruction to students with a signed
33 parental consent form in grades kindergarten through ~~[four]~~ six to teach them that in order to avoid
34 injury when they find a firearm they should:

35 (i) leave the area;

36 ~~[(a)]~~ (ii) not touch [it] the firearm;

37 ~~[(b)]~~ (iii) tell an adult about finding the firearm and its location; and

38 ~~[(c)]~~ (iv) be able to share the instruction provided in Subsections (3)(a)(i), (ii), and ~~[(b)]~~
39 (iii) with any other minors who are with them when they find a firearm.

40 (b) (i) School districts may offer firearm safety instruction to students in grade 12 to
41 discuss with the students:

42 (A) proper use, storage, and handling of firearms;

43 (B) firearms safety measures;

44 (C) statistics on gun violence;

45 (D) dangers associated with firearm use;

46 (E) state and federal law governing the use of firearms; and

47 (F) statistics on the defensive use of firearms.

48 (ii) Students in grade 12, with a signed parental consent form, may participate in a firearms
49 safety program involving actual examination, handling, and firing of firearms provided that:

50 (A) the program is conducted under the close supervision of a Utah law enforcement
51 agency, a certified trainer, or a Utah hunter safety educator acting in a volunteer capacity;

52 (B) the student is supervised at all times by a peace officer as defined in Title 53, Chapter
53 13, Peace Officer Classifications, or a certified firearms safety instructor;

54 (C) the program is conducted off the school grounds;

55 (D) the student is not:

56 (I) a minor who has been convicted of a violent felony as defined in Section 76-3-203.5

57 or a minor who has been adjudicated in juvenile court for an offense which would constitute a
 58 violent felony if the minor were an adult; or

59 (II) a restricted person under Section 76-10-503; and

60 (E) the student receives written permission from the student's parent or guardian.

61 (4) As used in this chapter, "firearm" means any firearm as defined in Section 76-10-501.

62 (5) The State Board of Education shall make rules promulgated pursuant to Title 63,
 63 Chapter 46a, Utah Administrative Rulemaking Act, for:

64 (a) use of certified volunteers or school district teachers that have been certified to teach
 65 firearm safety for instruction of firearm safety education classes in the public schools;

66 (b) use of public school classrooms or auditoriums for these classes;

67 (c) school district review of donated materials before their use; and

68 (d) proof of certification as a firearm safety instructor.

69 (6) (a) A local school board [~~may require~~] ~~h~~ ~~[shall]~~ **MAY h** offer every student in grades
 69a kindergarten

70 through six the opportunity to participate in a firearm safety education class offered within the
 71 public schools under this section.

72 (b) A student [~~may~~] shall be exempted from participation [~~upon notification to the local~~
 73 ~~school by the student's parent or legal guardian that the parent or legal guardian wants the student~~
 74 ~~exempted from the class in its entirety or any portion specified~~] if no signed consent form has been
 75 received.

76 (7) If a student is exempted under Subsection (6), the school may provide other activities
 77 during the period of time in which the student would otherwise be participating in the program.

78 (8) [~~The~~] A school [~~districts may permit~~] district may approve a member of the Division
 79 of Wildlife Resources, a local law enforcement [~~agencies~~] agency, a peace [~~officers~~] officer as
 80 defined in Title 53, Chapter 13, Peace Officer Classifications, a certified [~~instructors~~] instructor,
 81 a certified hunter education [~~instructors~~] instructor, [~~and other~~] a certified Utah concealed firearm
 82 instructor, a certified armed forces marksmanship instructor, or another certified firearms safety
 83 [~~instructors~~] instructor, as provided by rules adopted under Subsection(5)(a), to teach the firearm
 84 safety education class [~~on a voluntary basis~~] as a volunteer.

85 (9) The school district is encouraged to maximize the use of existing firearm safety
 86 educational materials which are available at minimal or no cost and the use of certified volunteer
 87 instructors.

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(10) The school district may review the class on a regular basis for its effectiveness.