

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~~ shall permit the use of district approved volunteers or school district teachers for instruction of firearm safety education classes for students.

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

(c) The volunteers or school district teachers instructing the firearm safety education class shall select materials and teach the class on a neutral basis showing a bias neither in favor of nor against firearms.

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

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

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

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

28 (3) (a) School districts [~~may~~] shall offer firearm safety instruction to students in grades
29 kindergarten through four to teach them that in order to avoid injury when they find a firearm they
30 should:

- 31 (i) leave the area;
- 32 [~~(a)~~] (ii) not touch [it] the firearm;
- 33 [~~(b)~~] (iii) tell an adult about finding the firearm and its location; and
- 34 [~~(c)~~] (iv) be able to share the instruction provided in Subsections (3)(a)(i), (ii), and [(b)]
35 (iii) with any other minors who are with them when they find a firearm.

36 (b) (i) School districts shall offer firearm safety instruction to students in grade 12 to
37 discuss with the students:

- 38 (A) proper use, storage, and handling of firearms;
- 39 (B) firearms safety measures;
- 40 (C) statistics on gun violence;
- 41 (D) dangers associated with firearm use;
- 42 (E) state and federal law governing the use of firearms;
- 43 (F) statistics on the defensive use of firearms; and
- 44 (G) the second amendment to the United States Constitution and the federal constitutional
45 right of citizens to possess and use firearms.

46 (ii) Students in grade 12 may participate in a firearms safety program involving actual
47 handling of firearms provided that:

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

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

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

54 (D) the student is not:

55 (I) a minor who has been convicted of a violent felony as defined in Section 76-3-203.5
56 or a minor who has been adjudicated in juvenile court for an offense which would constitute a
57 violent felony if the minor were an adult; or

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

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

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

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

63 (a) use of certified volunteers or school district teachers for instruction of firearm safety
64 education classes in the public schools;

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

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

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

68 (6) (a) A local school board [~~may~~] shall require every student in grades kindergarten
69 through six to participate in a firearm safety education class offered within the public schools
70 under this section.

71 (b) A student [~~may~~] shall be exempted from participation upon notification to the local
72 school by the student's parent or legal guardian that the parent or legal guardian wants the student
73 exempted from the class in its entirety or any portion specified.

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

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

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

85 (10) The school district [~~may~~] shall review the class on a regular basis for its effectiveness.

86 (11) (a) A school district shall maintain data recording the number of students in each
87 grade who successfully complete the firearm safety education class.

88 (b) The records maintained under Subsection (11)(a) shall not include names or identifying
89 characteristics of students who participated in the firearm safety education class.

Legislative Review Note
as of 1-23-01 2:53 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel