

1                                   **GUN EDUCATION FOR ELEMENTARY**  
2   **SCHOOLS**

3   1998 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Bryan D. Holladay**

6 AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR FIREARM INJURY  
7 PREVENTION INSTRUCTION IN PUBLIC ELEMENTARY SCHOOLS; AND MAKING  
8 CERTAIN TECHNICAL CHANGES.

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

10 AMENDS:

11                   **53A-13-106**, as enacted by Chapter 86, Laws of Utah 1994

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

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

14                   **53A-13-106. Instruction in firearm safety -- Purpose -- School districts to implement**  
15 **volunteer education classes -- Parental consent exception.**

16                   (1) (a) School districts may permit the use of [~~certified~~] district approved volunteers or  
17 school district teachers for instruction of firearm safety education classes for [~~pupils enrolled in~~  
18 ~~grades Kindergarten to 8, inclusive~~] students.

19                   ~~[(b) The firearm safety education class may be taught:]~~

20                   ~~[(i) during one year to pupils in grades K-4;]~~

21                   ~~[(ii) during one year to pupils in grades 5-8; and]~~

22                   ~~[(iii) no more than four times during that one-year period.]~~

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

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

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

1 firearms[-]; and

2 (b) help students avoid firearm injuries.

3 (3) School districts may offer firearm safety instruction to students in grades kindergarten  
4 through four to teach them that in order to avoid injury when they find a firearm they should:

5 (a) not touch it;

6 (b) tell an adult about finding the firearm and its location; and

7 (c) be able to share the instruction provided in Subsections (a) and (b) with any other  
8 minors who are with them when they find a firearm.

9 ~~[(3)]~~ (4) As used in this chapter, "firearm" means any firearm as defined in Section  
10 76-10-501.

11 ~~[(4)]~~ (5) The State Board of Education shall make rules promulgated pursuant to Title 63,  
12 Chapter 46a, Utah Administrative Rulemaking Act, for:

13 (a) use of certified volunteers for instruction of firearm safety education classes in the  
14 public schools;

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

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

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

18 ~~[(5)]~~ (6) (a) ~~[Every pupil may be required by the]~~ A local school board may require every  
19 student in grades kindergarten through six to participate in a firearm safety education class ~~[which~~  
20 ~~may be]~~ offered within the public schools under this section.

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

24 ~~[(6)]~~ (7) If a ~~[pupil]~~ student is exempted under Subsection ~~[(5) from the firearm safety~~  
25 ~~education class]~~ (6), the school ~~[district]~~ may provide other activities during the period of time in  
26 which the ~~[pupil]~~ student would otherwise be participating in the program.

27 ~~[(7)]~~ (8) The school districts may permit the Division of Wildlife Resources, local law  
28 enforcement agencies, peace officers as defined in Section 77-1a-1, certified instructors, certified  
29 hunter education instructors, and other certified firearms safety instructors, as provided by rules  
30 ~~[of the State Board of Education promulgated]~~ adopted under Subsection ~~[(4)]~~(5)(a) to teach the  
31 firearm safety education class on a voluntary basis.

1            [~~8~~] (9) The school district is encouraged to maximize the use of existing firearm safety  
2 educational materials which are available at minimal or no cost and the use of certified volunteer  
3 instructors.

4            [~~9~~] (10) The school district may review the class on a regular basis for its effectiveness.

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**Legislative Review Note**  
**as of 1-12-98 8:30 AM**

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

**Office of Legislative Research and General Counsel**