

Representative Tim Jimenez proposes the following substitute bill:

SCHOOL EMPLOYEE FIREARM POSSESSION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill creates a program regarding the possession of a firearm by a school employee.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Educator-Protector Program to incentivize school teachers to responsibly secure or carry a firearm on school grounds by providing reimbursements and liability protection; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-505.5, as last amended by Laws of Utah 2021, Chapter 141

ENACTS:

53-22-105, Utah Code Annotated 1953



26

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

28 Section 1. Section **53-22-105** is enacted to read:

29 **53-22-105. Educator-Protector Program.**

30 (1) As used in this section:

31 (a) "Annual classroom response training" means a training for a teacher:

32 (i) that held at least once a year and is administered, at no cost ~~to~~ ~~by a county sheriff, the~~

33 ~~department, or a local law enforcement agency for a teacher~~ to a teacher, by the individual

33a identified by the county sheriff as described in Section 53-22-103 ~~to~~ ; and

34 (ii) where the teacher is trained:

35 (A) on how to defend a classroom ~~to~~ ~~including a live action practice in defending~~ ~~to~~

35a against

36 active threats emphasizing the teacher's role in stationary defense; and

37 (B) on the safe loading, unloading, storage, and carrying of firearms in a school setting.

38 (b) "Annual firearms training" means a training that is held at least once a year and

39 that:

40 (i) is at least four hours in length;

41 (ii) includes practicing and demonstrating firearms proficiency at a firearms range

42 using the firearm the teacher carries for self-defense and defense of others; and

43 (iii) is offered:

44 (A) at no cost to a teacher, by ~~to~~ ~~a county sheriff, the department, or a local law~~

45 ~~enforcement agency~~ the individual identified by the county sheriff as described in Section 53-

45a ~~22-103~~ ~~to~~ ;

46 (B) by a national, state, or local firearms training organization that is approved by the

47 bureau to provide firearms training; or

48 (C) by an individual who has been certified by the bureau to provide firearms training,

49 including a law enforcement officer, a military firearms instructor, a civilian firearms

50 instructor, or a hunter safety instructor.

51 (c) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#).

52 (d) "Local education agency" means the same as that term is defined in Section

53 [53E-1-102](#).

54 (e) "Program" means the Educator-Protector Program created under this section.

55 (f) "Teacher" means an individual employed by a local education agency who has an

56 assignment to teach in a classroom.

57 (2) There is created the Educator-Protector Program to incentivize a teacher to
 58 responsibly secure or carry a firearm on the grounds of the school where the teacher is
 59 employed.

60 (3) (a) To participate in the program, a teacher shall:

61 (i) have completed within six months before the day on which the teacher joins the
 62 program:

63 (A) an annual classroom response training; and

64 (B) an annual firearms training;

65 (ii) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,
 66 Concealed Firearm Act; and

67 (iii) certify to the department that the teacher satisfies the requirements described in
 68 Subsections (3)(a)(i) and (3)(a)(ii) and intends to securely store or carry a firearm on the
 69 grounds of a school where the teacher is employed.

70 (b) After joining the program, to retain the teacher's active status in the program, a
 71 teacher shall:

72 (i) participate in annual classroom response training;

73 (ii) participate in annual firearms training; and

74 (iii) comply with any rules established by the department in accordance with
 75 Subsection (11).

76 (4) (a) The state security chief shall:

77 (i) track each teacher that participates in the program by collecting a photograph, name,
 78 and contact information for each teacher;

79 (ii) make the information described in Subsection (4)(a) readily available to each law
 80 enforcement agency in the state;

81 (iii) reimburse each teacher participating in the program up to \$500 for installing a
 82 biometric gun safe in the teacher's classroom or office; and

83 (iv) provide ~~H~~→ [reasonable reimbursement] a reimbursement of up to \$500 ←~~H~~ to a
 83a county sheriff ~~H~~→ [or local law enforcement

84 agency that provides a teacher with] for each teacher that is provided ←~~H~~ annual classroom
 84a response training ~~H~~→ [or] and ←~~H~~ annual firearms
 85 training.

86 (b) The state security chief shall categorize the information described in Subsection
 87 (4)(a)(i) by school.

87a ~~H~~→ (c) The state security chief shall discontinue providing reimbursements under Subsections
 87b (4)(a)(iii) and (iv) when any funds appropriated by the Legislature for that purpose have been
 87c depleted. ←~~H~~

88 (5) A school employee participating in the program:

89 (a) may store the teacher's firearm on the grounds of a school only if:

90 (i) the firearm is stored in a biometric gun safe;

91 (ii) the biometric gun safe is located in the teacher's classroom or office; and

92 (iii) the teacher is physically present on the grounds of the school while the firearm is
93 stored in the biometric gun safe; and

94 (b) shall carry the teacher's firearm in a concealed manner unless during an active
95 threat.

96 (6) This section does not prohibit an individual who has a valid concealed carry permit
97 but is not participating in the program from carrying firearms on the grounds of a school as
98 described in Subsection 76-10-505.5(4).

99 (7) (a) A teacher ~~is~~ **who has active status** ~~in the program~~ **when carrying,**
100a **using, or storing a firearm** ~~is~~ is not liable

100 for any civil damages or penalties if the teacher:

100a ~~(i) when carrying or storing a firearm;~~ **(i) when carrying or storing a firearm;** ~~is~~

101 ~~(i) has active status in the program;~~ **(i) is acting in good faith; and**

102 ~~(ii) (A) is acting in good faith; and~~

103 ~~(ii) (B) is not grossly negligent~~ **(ii) (B) is not grossly negligent** ~~;~~ **; or**

103a **(ii) threatens, draws, or otherwise uses a firearm reasonably believing the action to be**
103b **necessary in compliance with Section 76-2-402.** ~~is~~

104 (b) A local education agency is not liable for civil damages or penalties resulting from
105 a teacher who is participating in the program carrying, using, or storing a firearm at a school.

106 (8) Each school within a local education agency shall post a sign that states that the
107 school is not a gun free zone and an individual intending to commit violence on the school's
108 grounds may be confronted by armed resistance.

109 (9) A local education agency may not prevent a teacher from participating in the
110 program under this section.

111 (10) (a) Any information or record created detailing a teacher's participation in the
112 program is:

113 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
114 Records Access and Management Act; and

115 (ii) available only to

116 (A) the state security chief;

117 (B) a local law enforcement agency that would respond to the school in case of an
118 emergency; and

119 (C) the individual designated by the county sheriff in accordance with Section
120 53-22-103 of the county of the school where the teacher in the program is located.

121 (b) The information or record described in Subsection (10)(a) includes the information
122 described in Subsection (4)(a)(i) and any personal identifying information of a teacher
123 participating in the program collected or obtained during annual classroom response training
124 and annual firearms training.

125 (c) An individual who intentionally or knowingly provides the information described in
126 Subsection (10)(a) to an individual or entity not listed in Subsection (10)(a)(ii) is guilty of a
127 class A misdemeanor.

128 (11) The department may adopt, according to Title 63G, Chapter 3, Utah
129 Administrative Rulemaking Act, rules to administer this section.

130 Section 2. Section **76-10-505.5** is amended to read:

131 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
132 **shotgun on or about school premises -- Penalties.**

133 (1) As used in this section, "on or about school premises" means:

134 (a) (i) in a public or private elementary or secondary school; or

135 (ii) on the grounds of any of those schools; ~~Ĥ→ [or] ←Ĥ~~

136 (b) (i) in a public or private institution of higher education; or

137 (ii) on the grounds of a public or private institution of higher education; ~~Ĥ→ [and] or ←Ĥ~~

138 ~~Ĥ→ [(iii)-(A)] (c)(i) ←Ĥ~~ inside the building where a preschool or child care is being held, if

138a the entire

139 building is being used for the operation of the preschool or child care; or

140 ~~Ĥ→ [(B)] (ii) ←Ĥ~~ if only a portion of a building is being used to operate a preschool or child

140a care, in

141 that room or rooms where the preschool or child care operation is being held.

142 (2) ~~[A person]~~ An actor may not possess any dangerous weapon, firearm, or short
143 barreled shotgun, as those terms are defined in Section **76-10-501**, at a place that the ~~[person]~~

144 actor knows, or has reasonable cause to believe, is on or about school premises as defined in
145 this section.

146 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
147 misdemeanor.

148 (b) Possession of a firearm or short barreled shotgun on or about school premises is a
149 class A misdemeanor.

- 150 (4) This section does not apply if:
- 151 (a) the [person] actor is authorized to possess a firearm as provided under Section
- 152 [53-5-704](#), [53-5-705](#), [76-10-511](#), or [76-10-523](#), or as otherwise authorized by law;
- 153 (b) the [person] actor is authorized to possess a firearm as provided under Section
- 154 [53-5-704.5](#), unless the [person] actor is in a location where the [person] actor is prohibited
- 155 from carrying a firearm under Subsection [53-5-710\(2\)](#);
- 156 (c) the possession is approved by the responsible school administrator;
- 157 (d) the item is present or to be used in connection with a lawful, approved activity and
- 158 is in the possession or under the control of the [person] actor responsible for its possession or
- 159 use; or
- 160 (e) the possession is:
- 161 (i) at the [person's] actor's place of residence or on the [person's] actor property; or
- 162 (ii) in any vehicle lawfully under the [person's] actor control, other than a vehicle
- 163 owned by the school or used by the school to transport students.

- 164 (5) This section does not:
- 165 (a) prohibit prosecution of a more serious weapons offense that may occur on or about
- 166 school premises; or
- 167 (b) prevent a actor from securely storing a firearm on the grounds of a school if the
- 168 actor participates in the Educator-Protector Program created in Section [53-22-105](#) and complies
- 169 with Subsection [53-22-105\(5\)\(a\)](#).

170 Section 3. **Effective date.**

171 This bill takes effect on May 1, 2024.