

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:

53G-8-801, as enacted by Laws of Utah 2019, Chapter 441

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

ENACTS:

53G-8-804, Utah Code Annotated 1953



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

Section 1. Section **53G-8-801** is amended to read:

Part 8. State Safety and Support

53G-8-801. Definitions.

As used in this [section] part:

(1) "Bullying" means the same as that term is defined in Section **53G-9-601**.

(2) "Law enforcement agency" means the same as that term is defined in Section **53-1-102**.

(3) "Law enforcement officer" means the same as that term is defined in Section **53-13-103**.

~~[(3) "Program" means the State Safety and Support Program established in Section **53G-8-802**.]~~

Section 2. Section **53G-8-804** is enacted to read:

53G-8-804. Educator-Protector Program.

(1) As used in this section:

(a) "Annual classroom response training" means a training that is held at least once a year and is administered by a county sheriff, the Department of Public Safety, or a local law enforcement agency at a teacher's school of employment where the teacher:

(i) is trained on the specifics of the building or buildings of the school, including where emergency supplies and security infrastructure are located;

(ii) is trained through a hands-on training regarding the safe loading, unloading, storage, and carrying of firearms in a school setting; and

(iii) participates in a live action practice plan in responding to active threats at the school with emphasis on the classroom that the teacher is assigned.

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

(i) is at least four hours in length;

(ii) includes practicing and demonstrating firearms proficiency at a firearms range using the firearm the teacher carries for self defense and defense of others; and

(iii) is offered by:

(A) a county sheriff;

59 (B) the Department of Public Safety;

60 (C) a local law enforcement agency;

61 (D) a national, state, or local firearms training organization that is approved by the
62 bureau to provide firearms training; or

63 (E) an individual who has been certified by the bureau to provide firearms training,
64 including a law enforcement officer, a military firearms instructor, a civilian firearms
65 instructor, or a hunter safety instructor.

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

67 (d) "Program" means the Educator-Protector Program created under this section.

68 (e) "Teacher" means an individual employed by a local education agency who has an
69 assignment to teach in a classroom.

70 (2) There is created the Educator-Protector Program to incentivize a teacher employed
71 by a local education agency to responsibly secure or carry a firearm on the grounds of the
72 school where the teacher is employed.

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

74 (i) have completed within six months before the day on which the teacher joins the
75 program;

76 (A) an annual classroom response training; and

77 (B) an annual firearms training;

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

80 (iii) certify to the state board that the teacher satisfies the requirements described in
81 Subsections (3)(a)(i) and (3)(a)(ii) and intends to securely store or carry a firearm on the
82 grounds of a school where the teacher is employed.

83 (b) After joining the program, a teacher shall participate in annual classroom response
84 training and annual firearms training to retain the teacher's active status in the program.

85 (4) A teacher participating in the program:

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

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

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

89 (iii) the teacher is physically present on the grounds of the school while the firearm is

90 stored in the safe; and

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

93 (5) (a) The state board shall, on a one-time basis, allocate \$500 to a local education
94 agency for each teacher participating in the program within the local education agency.

95 (b) A local education agency that receives the funding described in Subsection (5)(a)
96 shall use the funding to reimburse a teacher participating in the program for a biometric gun
97 safe installed in the teacher's classroom.

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

101 (7) (a) A teacher in the program when carrying or using a firearm is not liable for any
102 civil damages or penalties if the teacher:

103 (i) has active status in the program;

104 (ii) is acting in good faith; and

105 (iii) is not grossly negligent.

106 (b) A local education agency is not liable for civil damages or penalties resulting from
107 a teacher carrying or using a firearm at a school if the teacher is:

108 (i) employed by the local education agency; and

109 (ii) participating in the program.

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

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

115 Section 3. Section **76-10-505.5** is amended to read:

116 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
117 **shotgun on or about school premises -- Penalties.**

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

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

120 (ii) on the grounds of any of those schools;

121 (b) (i) in a public or private institution of higher education; or
122 (ii) on the grounds of a public or private institution of higher education; and
123 (iii) (A) inside the building where a preschool or child care is being held, if the entire
124 building is being used for the operation of the preschool or child care; or
125 (B) if only a portion of a building is being used to operate a preschool or child care, in
126 that room or rooms where the preschool or child care operation is being held.

127 (2) A person may not possess any dangerous weapon, firearm, or short barreled
128 shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or
129 has reasonable cause to believe, is on or about school premises as defined in this section.

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

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

134 (4) This section does not apply if:

135 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
136 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

137 (b) the person is authorized to possess a firearm as provided under Section 53-5-704.5,
138 unless the person is in a location where the person is prohibited from carrying a firearm under
139 Subsection 53-5-710(2);

140 (c) the possession is approved by the responsible school administrator;

141 (d) the item is present or to be used in connection with a lawful, approved activity and
142 is in the possession or under the control of the person responsible for its possession or use; or

143 (e) the possession is:

144 (i) at the person's place of residence or on the person's property; or
145 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
146 the school or used by the school to transport students.

147 (5) This section does not:

148 (a) prohibit prosecution of a more serious weapons offense that may occur on or about
149 school premises; or

150 (b) prevent a person from securely storing a firearm on the grounds of a school if the
151 person participates in the Educator-Protector Program created in Section 53G-8-804 and

152 complies with Subsection [53G-8-804](#)(4).

153 Section 4. **Effective date.**

154 This bill takes effect on May 1, 2024.