

HB0119S01 compared with HB0119

~~text~~ shows text that was in HB0119 but was deleted in HB0119S01.

inserted text shows text that was not in HB0119 but was inserted into HB0119S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: ~~_____~~

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:

HB0119S01 compared with HB0119

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}~~53-22-105, 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}~~53-22-105 is enacted to read:

~~{53G-8-804}~~53-22-105. Educator-Protector Program.

(1) As used in this section:

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

(i) that {is} held at least once a year and is administered, at no cost, by a county sheriff, the {Department of Public Safety} department, or a local law enforcement agency {at} for a {teacher's school of employment} teacher; and

(ii) 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};

HB0119S01 compared with HB0119

(A) on how to defend a classroom, including a live action practice in defending against active threats emphasizing the teacher's role in stationary defense; and

(B) on 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}~~ self-defense and defense of others; and

(iii) is offered ~~{ by }~~:

(A) ~~at no cost to a teacher, by~~ a county sheriff;

~~_____ (B) ;~~ the ~~{Department of Public Safety}~~;

~~_____ (C) ;~~ department, or a local law enforcement agency;

~~{D}~~ (B) by a national, state, or local firearms training organization that is approved by the bureau to provide firearms training; or

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

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

(d) "Local education agency" means the same as that term is defined in Section 53E-1-102.

~~{d}~~ (e) "Program" means the Educator-Protector Program created under this section.

~~{e}~~ (f) "Teacher" means an individual employed by a local education agency who has an assignment to teach in a classroom.

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

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

(i) have completed within six months before the day on which the teacher joins the

HB0119S01 compared with HB0119

program:

(A) an annual classroom response training; and

(B) an annual firearms training;

(ii) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,

Concealed Firearm Act; and

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

(b) After joining the program, ~~{a teacher shall participate in annual classroom response training and annual firearms training }~~to retain the teacher's active status in the program, a teacher shall:

(i) participate in annual classroom response training;

(ii) participate in annual firearms training; and

(iii) comply with any rules established by the department in accordance with

Subsection (11).

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

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

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

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

(iv) provide reasonable reimbursement to a county sheriff or local law enforcement agency that provides a teacher with annual classroom response training or annual firearms training.

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

~~{4}~~5) A ~~{teacher}~~school employee participating in the program:

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

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

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

HB0119S01 compared with HB0119

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

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

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

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

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

(7) (a) A teacher in the program when carrying, using, or ~~{using}~~storing a firearm is not liable for any civil damages or penalties if the teacher:

(i) has active status in the program;

(ii) is acting in good faith; and

(iii) is not grossly negligent.

(b) A local education agency is not liable for civil damages or penalties resulting from a teacher who is participating in the program carrying, using, or ~~{using}~~storing a firearm at a school ~~{ if the teacher is:~~

~~— (i) employed by the local education agency; and~~

~~— (ii) participating in the program.~~

‡:

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

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

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

(i) a private, controlled, or protected record under Title 63G, Chapter 2, Government

HB0119S01 compared with HB0119

Records Access and Management Act; and

(ii) available only to

(A) the state security chief;

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

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

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

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

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

Section ~~33~~2. Section **76-10-505.5** is amended to read:

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

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

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

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

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

(ii) on the grounds of a public or private institution of higher education; and

(iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or

(B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.

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

HB0119S01 compared with HB0119

this section.

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

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

(4) This section does not apply if:

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

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

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

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

(e) the possession is:

(i) at the [person's] actor's place of residence or on the [person's] actor property; or

(ii) in any vehicle lawfully under the [person's] actor control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not:

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

(b) prevent a ~~person~~ actor from securely storing a firearm on the grounds of a school if the ~~person~~ actor participates in the Educator-Protector Program created in Section ~~53G-8-804~~53-22-105 and complies with Subsection ~~53G-8-804~~53-22-105(~~4~~5)(a).

Section ~~4~~3. **Effective date.**

This bill takes effect on May 1, 2024.