

## HB0119S02 compared with HB0119S01

~~{deleted text}~~ shows text that was in HB0119S01 but was deleted in HB0119S02.

inserted text shows text that was not in HB0119S01 but was inserted into HB0119S02.

**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}~~Senator David P. Hinkins 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

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#### 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

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### 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

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

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

**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, or a local law enforcement agency for a teacher; to a teacher, by the individual identified by the county sheriff as described in Section 53-22-103; and

(ii) where the teacher is trained:

(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.

~~(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:~~

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

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

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

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~~including a law enforcement officer, a military firearms instructor, a civilian firearms instructor, or a hunter safety instructor.~~

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

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

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

~~(ff)e~~e) "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 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 ~~an annual classroom response training~~ within six months before the day on which the teacher joins the 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 department that:

~~(A) the teacher satisfies the requirements described in Subsections (3)(a)(i) and (3)(a)(ii); and~~

~~(B) if applicable, intends to securely store or carry a firearm on the grounds of a school where the teacher is employed.~~

(b) After joining the program, 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

~~(ffii) ii~~ii) comply with any rules established by the department in accordance with Subsection (11).

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

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(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) } and~~

(iii) provide reasonable reimbursement, ~~using funds appropriated by the Legislature,~~ to a county sheriff ~~{or local law enforcement agency that provides}~~ for providing 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.

(5) A ~~{school employee}~~ teacher 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 provided by the teacher;

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

(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.

(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 who has active status in the program ~~{when carrying, using, or storing a firearm}~~ is not liable for any civil damages or penalties if the teacher:

(i) ~~{has active status in the program;}~~ when carrying or storing a firearm:

(~~iii~~) A is acting in good faith; and

(~~iiii~~) B is not grossly negligent ~~{,}~~ or

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

(b) A local education agency is not liable for civil damages or penalties resulting from

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a teacher who is participating in the program carrying, using, or storing a firearm at a school.

(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 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~~ identified by the county sheriff as described 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~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may adopt rules to administer this section.

Section 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:

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(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~~ or  
(c) [(iii)] (i) [(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)] (ii)~~ 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 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:

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

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

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.