

1 AN ACT relating to school safety and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section, "school resource officer" and "school security*
6 *officer" have the same meanings as in KRS 158.441.*

7 *(2) Beginning July 1, 2018, for each school that does not have a dedicated full-time*
8 *school resource officer or a school security officer, a local board of education*
9 *shall approve an emergency response team. Members of the emergency response*
10 *team shall be authorized to carry a firearm under Section 3 of this Act.*

11 *(3) Each school's emergency response team shall consist of no less than two (2) and*
12 *no more than six (6) employees who are assigned to that school.*

13 *(4) Each member of a school's emergency response team shall:*

14 *(a) Be selected as a member by the school district;*

15 *(b) Be a full-time employee of the school district;*

16 *(c) Hold a valid license to carry a concealed deadly weapon under KRS*
17 *237.110; and*

18 *(d) Hold a school safety certification received under Section 2 of this Act.*

19 *(5) For each emergency response team, the local board of education shall adopt*
20 *policies and procedures to govern the team and establish the duties and*
21 *responsibilities of each member in ensuring the safety of the students and*
22 *employees.*

23 *(6) Except for acts of gross negligence or willful or wanton misconduct:*

24 *(a) A local board of education that appoints members of an emergency*
25 *response team pursuant to this section shall be immune from civil liability*
26 *for any actions or omissions arising from implementation of this section;*
27 *and*

1 (b) A member of the emergency response team who acts in good faith during
 2 the course of his or her duties as provided in this section shall be immune
 3 from civil liability arising from any act or omission undertaken pursuant to
 4 this section.

5 (7) A member of the emergency response team shall be responsible for the purchase
 6 of the firearm, ammunition, and any other associated costs. A member shall not
 7 be compensated for the purchases made pursuant to his or her appointment or
 8 during service as a member, except that a local board of education may provide
 9 payment to a member of any reasonable and necessary expenses incurred relating
 10 to obtaining school safety certification.

11 (8) Nothing in this section shall be construed to restrict the otherwise lawful
 12 possession, transport, deposit, or carrying, whether open or concealed, of
 13 firearms on school property as provided under Section 3 of this Act or any
 14 applicable state or federal law.

15 (9) This section shall not apply to institutions of postsecondary or higher education.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
 17 READ AS FOLLOWS:

18 Pursuant to Section 1 of this Act:

19 (1) The Department of Kentucky State Police shall establish a process to enable
 20 qualified firearms instructors certified under KRS 237.122 to obtain an
 21 additional certification in school safety training. The process shall include a
 22 school safety certification trainer course that provides training that includes but
 23 is not limited to:

24 (a) The protection of students;

25 (b) Interaction of concealed deadly weapon license holders with first
 26 responders;

27 (c) Tactics for denying an intruder entry into a classroom or school facility;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

and

(d) Methods for increasing a concealed deadly weapon license holder's accuracy with a handgun under duress.

(2) The school safety certification trainer course under subsection (1) of this section shall include not less than fifteen (15) hours and not more than twenty (20) hours of instruction.

(3) The department shall develop the curriculum for school safety trainings, which shall include the subjects listed under subsection (1) of this section, and shall establish the minimum requirements for an applicant to receive the school safety certification required for emergency response team members under Section 1 of this Act. The requirements shall include the completion of a psychological suitability screening administered or approved by the department to determine an applicant's suitability to perform the functions of an emergency response team member.

(4) A qualified firearms instructor certified in school safety training under this section may provide the required school safety training, including instruction in the subjects listed under subsection (1) of this section, to applicants who wish to become members of an emergency response team under Section 3 of this Act.

(5) An applicant who successfully completes the training under subsection (3) of this section and meets all other requirements established by the department shall receive a school safety certification from the department that shall be valid for one (1) year. In order to renew certification, an applicant shall complete the required school safety training again.

(6) The department shall establish a fee in an amount that is sufficient to cover the costs of the certifications under this section.

(7) The department may promulgate administrative regulations to carry out the provisions of this section.

1 ➔Section 3. KRS 527.070 is amended to read as follows:

2 (1) A person is guilty of unlawful possession of a weapon on school property when he
3 knowingly deposits, possesses, or carries, whether openly or concealed, for
4 purposes other than instructional or school-sanctioned ceremonial purposes, or the
5 purposes permitted in subsection (3) of this section, any firearm or other deadly
6 weapon, destructive device, or booby trap device in any public or private school
7 building or bus, on any public or private school campus, grounds, recreation area,
8 athletic field, or any other property owned, used, or operated by any board of
9 education, school, board of trustees, regents, or directors for the administration of
10 any public or private educational institution. The provisions of this section shall not
11 apply to institutions of postsecondary or higher education.

12 (2) Each chief administrator of a public or private school shall display about the school
13 in prominent locations, including, but not limited to, sports arenas, gymnasiums,
14 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches
15 wide stating:

16 UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL
17 PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE
18 BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A
19 TEN THOUSAND DOLLAR (\$10,000) FINE.

20 Failure to post the sign shall not relieve any person of liability under this section.

21 (3) The provisions of this section prohibiting the unlawful possession of a weapon on
22 school property shall not apply to:

23 (a) An adult who possesses a firearm, if the firearm is contained within a vehicle
24 operated by the adult and is not removed from the vehicle, except for a
25 purpose permitted herein, or brandished by the adult, or by any other person
26 acting with expressed or implied consent of the adult, while the vehicle is on
27 school property;

- 1 (b) Any pupils who are members of the reserve officers training corps or pupils
2 enrolled in a course of instruction or members of a school club or team, to the
3 extent they are required to carry arms or weapons in the discharge of their
4 official class or team duties;
- 5 (c) Any peace officer or police officer authorized to carry a concealed weapon
6 pursuant to KRS 527.020;
- 7 (d) Persons employed by the Armed Forces of the United States or members of
8 the National Guard or militia when required in the discharge of their official
9 duties to carry arms or weapons;
- 10 (e) Civil officers of the United States in the discharge of their official duties.
11 Nothing in this section shall be construed as to allow any person to carry a
12 concealed weapon into a public or private elementary or secondary school
13 building;
- 14 (f) **Members of a public school's emergency response team under Section 1 of**
15 **this Act**~~[Any other persons, including, but not limited to]~~, exhibitors of
16 historical displays, **or any other persons** who have been authorized to carry a
17 firearm **pursuant to the written policies or written authorization of**~~[by]~~ the
18 board of education or board of trustees of the public or private institution;
- 19 (g) A person hunting during the lawful hunting season on lands owned by any
20 public or private educational institution and designated as open to hunting by
21 the board of education or board of trustees of the educational institution;
- 22 (h) A person possessing unloaded hunting weapons while traversing the grounds
23 of any public or private educational institution for the purpose of gaining
24 access to public or private lands open to hunting with the intent to hunt on the
25 public or private lands, unless the lands of the educational institution are
26 posted prohibiting the entry; or
- 27 (i) A person possessing guns or knives when conducting or attending a "gun and

1 knife show" when the program has been approved by the board of education
2 or board of trustees of the educational institution.

3 (4) Unlawful possession of a weapon on school property is a Class D felony.

4 ➔Section 4. Whereas protecting the safety of the Commonwealth's schoolchildren
5 is a critical priority, an emergency is declared to exist, and this Act takes effect upon its
6 passage and approval by the Governor or upon its otherwise becoming a law.