

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; 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, as Utah Code Annotated 1953

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 to a teacher, by the individual identified by the county sheriff as described in Section 53-22-103; and

- 29 (ii) where the teacher is trained:
- 30 (A) on how to defend a classroom against active threats emphasizing the teacher's
- 31 role in stationary defense; and
- 32 (B) on the safe loading, unloading, storage, and carrying of firearms in a school
- 33 setting.
- 34 (b) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 35 (c) "Local education agency" means the same as that term is defined in Section
- 36 53E-1-102.
- 37 (d) "Program" means the Educator-Protector Program created under this section.
- 38 (e) "Teacher" means an individual employed by a local education agency who has an
- 39 assignment to teach in a classroom.
- 40 (2) There is created the Educator-Protector Program to incentivize a teacher to responsibly
- 41 secure or carry a firearm on the grounds of the school where the teacher is employed.
- 42 (3) (a) To participate in the program, a teacher shall:
- 43 (i) have completed an annual classroom response training within six months before
- 44 the day on which the teacher joins the program;
- 45 (ii) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,
- 46 Concealed Firearm Act; and
- 47 (iii) certify to the department that:
- 48 (A) the teacher satisfies the requirements described in Subsections (3)(a)(i) and
- 49 (3)(a)(ii); and
- 50 (B) if applicable, intends to securely store or carry a firearm on the grounds of a
- 51 school where the teacher is employed.
- 52 (b) After joining the program, to retain the teacher's active status in the program, a
- 53 teacher shall:
- 54 (i) participate in annual classroom response training; and
- 55 (ii) comply with any rules established by the department in accordance with
- 56 Subsection (10).
- 57 (4) (a) The state security chief shall:
- 58 (i) track each teacher that participates in the program by collecting a photograph,
- 59 name, and contact information for each teacher;
- 60 (ii) make the information described in Subsection (4)(a) readily available to each law
- 61 enforcement agency in the state; and
- 62 (iii) provide reasonable reimbursement, using funds appropriated by the Legislature,

- 63 to a county sheriff for providing a teacher with annual classroom response training.
- 64 (b) The state security chief shall categorize the information described in Subsection
- 65 (4)(a)(i) by school.
- 66 (5) A teacher participating in the program:
- 67 (a) may store the teacher's firearm on the grounds of a school only if:
- 68 (i) the firearm is stored in a biometric gun safe;
- 69 (ii) the biometric gun safe is located in the teacher's classroom or office; and
- 70 (iii) the teacher is physically present on the grounds of the school while the firearm is
- 71 stored in the biometric gun safe; and
- 72 (b) shall carry the teacher's firearm in a concealed manner unless during an active threat.
- 73 (6) This section does not prohibit an individual who has a valid concealed carry permit but
- 74 is not participating in the program from carrying firearms on the grounds of a school as
- 75 described in Subsection 76-10-505.5(4).
- 76 (7) (a) A teacher who has active status in the program is not liable for any civil damages
- 77 or penalties if the teacher:
- 78 (i) when carrying or storing a firearm:
- 79 (A) is acting in good faith; and
- 80 (B) is not grossly negligent; or
- 81 (ii) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
- 82 necessary in compliance with Section 76-2-402.
- 83 (b) A local education agency is not liable for civil damages or penalties resulting from a
- 84 teacher who is participating in the program carrying, using, or storing a firearm at a
- 85 school.
- 86 (8) A local education agency may not prevent a teacher from participating in the program
- 87 under this section.
- 88 (9) (a) Any information or record created detailing a teacher's participation in the
- 89 program is:
- 90 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
- 91 Records Access and Management Act; and
- 92 (ii) available only to:
- 93 (A) the state security chief;
- 94 (B) a local law enforcement agency that would respond to the school in case of an
- 95 emergency; and
- 96 (C) the individual identified by the county sheriff as described in Section

97 53-22-103.

98 (b) The information or record described in Subsection (9)(a) includes the information
 99 described in Subsection (4)(a)(i) and any personal identifying information of a
 100 teacher participating in the program collected or obtained during annual classroom
 101 response training.

102 (c) An individual who intentionally or knowingly provides the information described in
 103 Subsection (9)(a) to an individual or entity not listed in Subsection (9)(a)(ii) is guilty
 104 of a class A misdemeanor.

105 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 106 department may adopt rules to administer this section.

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

108 **76-10-505.5 . Possession of a dangerous weapon, firearm, or short barreled**
 109 **shotgun on or about school premises -- Penalties.**

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

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

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

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

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

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

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

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

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

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

128 (4) This section does not apply if:

129 (a) the ~~person~~ actor is authorized to possess a firearm as provided under Section

130 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

- 131 (b) the [person] actor is authorized to possess a firearm as provided under Section
132 53-5-704.5, unless the [person] actor is in a location where the [person] actor is
133 prohibited from carrying a firearm under Subsection 53-5-710(2);
- 134 (c) the possession is approved by the responsible school administrator;
- 135 (d) the item is present or to be used in connection with a lawful, approved activity and is
136 in the possession or under the control of the [person] actor responsible for its
137 possession or use; or
- 138 (e) the possession is:
- 139 (i) at the [person's] actor's place of residence or on the [person's] actor's property; or
140 (ii) in any vehicle lawfully under the [person's] actor's control, other than a vehicle
141 owned by the school or used by the school to transport students.
- 142 (5) This section does not[-] :
- 143 (a) prohibit prosecution of a more serious weapons offense that may occur on or about
144 school premises; or
- 145 (b) prevent an actor from securely storing a firearm on the grounds of a school if the
146 actor participates in the Educator-Protector Program created in Section 53-22-105
147 and complies with Subsection 53-22-105(5)(a).
- 148 Section 3. **Effective date.**
- 149 This bill takes effect on May 1, 2024.