

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

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, Utah Code Annotated 1953



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

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

28 **53-22-105. Educator-Protector Program.**

29 (1) As used in this section:

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

31 (i) that is held at least once a year and is administered, at no cost to a teacher, by the

32 individual identified by the county sheriff as described in Section [53-22-103](#); and

33 (ii) where the teacher is trained:

34 (A) on how to defend a classroom against active threats emphasizing the teacher's role

35 in stationary defense; and

36 (B) on the safe loading, unloading, storage, and carrying of firearms in a school setting.

37 (b) "Bureau" means the Bureau of Criminal Identification created in Section

38 [53-10-201](#).

39 (c) "Local education agency" means the same as that term is defined in Section

40 [53E-1-102](#).

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

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

44 (2) There is created the Educator-Protector Program to incentivize a teacher to
45 responsibly secure or carry a firearm on the grounds of the school where the teacher is
46 employed.

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

48 (i) have completed an annual classroom response training within six months before the
49 day on which the teacher joins the program;

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

52 (iii) certify to the department that:

53 (A) the teacher satisfies the requirements described in Subsections (3)(a)(i) and

54 (3)(a)(ii); and

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

57 (b) After joining the program, to retain the teacher's active status in the program, a
58 teacher shall:

- 59 (i) participate in annual classroom response training; and
- 60 (ii) comply with any rules established by the department in accordance with Subsection
- 61 (11).

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

- 63 (i) track each teacher that participates in the program by collecting a photograph, name,
- 64 and contact information for each teacher;
- 65 (ii) make the information described in Subsection (4)(a) readily available to each law
- 66 enforcement agency in the state; and
- 67 (iii) provide reasonable reimbursement, using funds appropriated by the Legislature, to
- 68 a county sheriff for providing a teacher with annual classroom response training.

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

71 (5) A teacher participating in the program:

- 72 (a) may store the teacher's firearm on the grounds of a school only if:
- 73 (i) the firearm is stored in a biometric gun safe ~~Ŝ~~→ **[provided by the teacher]** ←Ŝ ;
- 74 (ii) the biometric gun safe is located in the teacher's classroom or office; and
- 75 (iii) the teacher is physically present on the grounds of the school while the firearm is
- 76 stored in the biometric gun safe; and

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

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

82 (7) (a) A teacher who has active status in the program is not liable for any civil
83 damages or penalties if the teacher:

- 84 (i) when carrying or storing a firearm:
- 85 (A) is acting in good faith; and
- 86 (B) is not grossly negligent; or
- 87 (ii) threatens, draws, or otherwise uses a firearm reasonably believing the action to be

88 necessary in compliance with Section [76-2-402](#).

89 (b) A local education agency is not liable for civil damages or penalties resulting from
90 a teacher who is participating in the program carrying, using, or storing a firearm at a school.

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

94 ~~—(9)] (8) ←§~~ A local education agency may not prevent a teacher from participating in the
95 program under this section.

96 ~~§→ [(10)(a)] (9)(a) ←§~~ Any information or record created detailing a teacher's participation
96a in the
97 program is:

98 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
99 Records Access and Management Act; and

100 (ii) available only to:

101 (A) the state security chief;

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

104 (C) the individual identified by the county sheriff as described in Section [53-22-103](#).

105 (b) The information or record described in Subsection ~~§→ [(10)(a)] (9)(a) ←§~~ includes the
105a information

106 described in Subsection (4)(a)(i) and any personal identifying information of a teacher
107 participating in the program collected or obtained during annual classroom response training.

108 (c) An individual who intentionally or knowingly provides the information described in
109 Subsection ~~§→ [(10)(a)] (9)(a) ←§~~ to an individual or entity not listed in Subsection ~~§→ [~~
109a ~~(10)(a)(ii)] (9)(a)(ii) ←§~~ is guilty of a
110 class A misdemeanor.

111 ~~§→ [(11)] (10) ←§~~ In accordance with Title 63G, Chapter 3, Utah Administrative
111a Rulemaking Act,
112 the department may adopt rules to administer this section.

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

114 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
115 **shotgun on or about school premises -- Penalties.**

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

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

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

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

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

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

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

133 (4) This section does not apply if:

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

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

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

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

143 (e) the possession is:

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

145 (ii) in any vehicle lawfully under the ~~[person's]~~ actor control, other than a vehicle
146 owned by 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 actor from securely storing a firearm on the grounds of a school if the
151 actor participates in the Educator-Protector Program created in Section [53-22-105](#) and complies
152 with Subsection [53-22-105\(5\)\(a\)](#).

153 Section 3. **Effective date.**

154 This bill takes effect on May 1, 2024.