

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 provided by the teacher;

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

96 (10) (a) Any information or record created detailing a teacher's participation 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) includes the 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) to an individual or entity not listed in Subsection (10)(a)(ii) is guilty of a
110 class A misdemeanor.

111 (11) In accordance with Title 63G, Chapter 3, Utah Administrative 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.