

Amendment No. 1 to HB1751

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2249

House Bill No. 1751*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-816.

(a) As used in this section:

(1) "Distressed rural county" means a county that qualifies as an "eligible county" under § 67-6-104, for the apportionment of sales and use tax revenue for commercial development districts; and

(2) "Person" means a school board member, trustee, administrator, employee, independent contractor, volunteer, or other person affiliated with a public or private K-12 school.

(b)

(1) In addition to persons who are authorized to possess a firearm on school property under any other law, an LEA and the board of directors of a private school may authorize any qualified person to carry a handgun on the grounds of or in the various buildings of the school or schools with which the person is affiliated. If an LEA or the board of directors of a private school permits the carrying of a handgun on the property of a public or private school, it shall also determine if the permitted method of carry is open carry, concealed carry, or both.

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(2) If an LEA or board of directors authorizes one (1) or more persons to carry a handgun on school grounds, the maximum number of persons that may be authorized is one (1) person for each one hundred (100) students enrolled in the school.

(c) An LEA and the board of directors of a private school may also approve any person to carry a handgun on property or in vehicles owned or operated by the school and at other locations within the control of the LEA or private school while the location or vehicle is being used by the school for educational, recreational, athletic, or other purposes.

(d)

(1) If students are traveling in a school or private vehicle for a school-related activity that is located outside the jurisdiction of the LEA, the director of the public school LEA may contact the director of the destination public school LEA, or board of directors of the destination private school, to request permission to allow the persons authorized to carry a handgun during the course of traveling to and from the public or private school activity, and during the school activity. If the director of the destination LEA or board of directors of the destination private school approves the request, the director of schools of the requesting LEA shall transmit a list of all persons who will be authorized to carry a firearm for that particular school activity.

(2) The board of directors of a private school may seek permission from a destination private school or destination public school to allow an authorized person affiliated with the requesting private school to carry a handgun while involved in a school activity on property owned or operated by the destination public school or private school in the same manner as provided in subdivision (d)(1) for public schools.

(e) To qualify to carry a handgun pursuant to this section, the person shall:

(1) Notify the principal of the school and the LEA's director of schools for public schools, or the chief administrative officer and board of directors of the private school, of the person's desire to carry a handgun in, or on the property of, a public or private school;

(2) Have, at the time of notification, a valid handgun carry permit issued by the state of Tennessee pursuant to § 39-17-1351;

(3) Not be prohibited from carrying a firearm under state or federal law; and

(4) Have successfully completed at least forty (40) hours of firearms training specific to school policing that has been approved by the peace officer standards and training commission.

(f) The cost of the handgun carry permit, additional firearms training, and the handgun and ammunition the person will be using, shall be at the expense of the person who has been authorized to carry a handgun according to this section. The LEA of a public school and the board of directors of a private school assume no financial responsibility for a firearm possessed by a person pursuant to this section. Nothing in this subsection (f) shall be construed as prohibiting an LEA of a public school or board of directors of a private school from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

(g) For the safety of law enforcement officers, other first responders, the faculty and staff, and the person carrying the handgun pursuant to this section, the administrative head of each public or private school authorizing the carrying of handguns under this section shall compile a list of each person qualified and authorized to carry a handgun on the property of the public school or private school and transmit the list to the appropriate law enforcement agency.

(h) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer, as defined in § 49-6-4202, to any city school system within that county on the basis of the WFTEADA as defined in § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

(i) This section shall only apply to public or private schools located in distressed rural counties.

(j) For the safety of law enforcement officers, other first responders, faculty and staff, the general public, and the person carrying the handgun pursuant to this section, any person, other than a law enforcement officer, who is authorized by an LEA or the board of directors of a private school to carry a handgun at an interscholastic athletic event shall wear appropriate insignia or clothing that clearly identifies the person as a school security officer or otherwise as being in lawful and authorized possession of a handgun.

SECTION 2. Tennessee Code Annotated, Section 49-6-815(a), is amended by deleting subdivisions (1) and (2) and substituting instead the following:

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA;

(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA; or

(3) A person authorized pursuant to § 49-6-816.

SECTION 3. Tennessee Code Annotated, Section 39-17-1309, is amended by adding the following new subdivision to subsection (e):

() Persons carrying a handgun pursuant to § 49-6-815 or § 49-6-816;

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it.