

Education Administration & Planning 1

Amendment No. 3 to HB1751

Brooks H
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) "Employee" means a person employed full-time to work in a public K-12 school, including as a teacher, principal, vice principal, or other staff member.

(b)

(1) In addition to persons who are authorized to possess a firearm on school property under any other law, the director of schools and the school board may authorize and select employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned.

(2) If the director of schools and school board authorize one (1) or more employees to carry a concealed handgun as provided in subdivision (b)(1), the maximum number of employees that may be authorized is one (1) employee for each one hundred (100) students enrolled in the school.

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(c) The director of schools and school board, in consultation with the principal of each school, may select employees from each school who volunteer to take the training and carry a concealed handgun while on the grounds of the school to which they are assigned. No employee shall be disciplined or otherwise suffer adverse employment consequences if the employee does not volunteer to be trained to carry a concealed handgun pursuant to this section.

(d)

(1) The director of schools and school board shall not select an employee to carry a concealed handgun pursuant to this section unless the employee:

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

(B) Is not prohibited from carrying a handgun under the laws of this state or federal law;

(C) Prior to carrying the concealed handgun on school property, successfully completes at least forty (40) hours of handgun instruction administered by a local law enforcement entity or organization whose lesson plans and curriculum have been approved by the peace officers standards and training

commission (POST). To be approved by POST, a training course shall be designed specifically for school policing; and

(D) On an annual basis, completes at least sixteen (16) hours of continuing handgun instruction administered using similar lesson plans and curriculum, approved in the same manner, as the forty-hour training course as in subdivision (d)(1)C), and taught by local law enforcement agency instructors.

(2) It is the duty of the employee to send to the director of schools a certificate evidencing successful completion of the initial forty-hour training course and the sixteen-hour continuing handgun training course. No director of schools and school board may select an employee to carry a concealed handgun on the property of the school to which the employee is assigned without proof of successful completion of the training requirements.

(e) The cost of the handgun carry permit, additional firearms training, and the handgun and ammunition the employee will be carrying, shall be at the expense of the person who has been authorized to carry a concealed handgun pursuant to this section. The LEA assumes no financial responsibility for a handgun possessed by an employee pursuant to this section. Nothing in this subsection (e) shall be construed as prohibiting an LEA from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

(f) For the safety of law enforcement officers, other first responders, the faculty and staff, and the employee carrying the handgun pursuant to this section:

(1) The principal of each public school in which one (1) or more employees have been selected by the director of schools and school board to carry a concealed handgun on school property pursuant to this section shall compile a list of each employee qualified and authorized to carry a concealed handgun on the property of the public school and transmit the list to the appropriate law enforcement agency; and

(2) Each employee authorized by the director of schools and the school board to carry a handgun at an interscholastic athletic event pursuant to this section, other than a law enforcement officer, shall wear appropriate insignia or clothing that clearly identifies the employee as a school security officer or otherwise as being in lawful and authorized possession of a handgun.

(g) 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.

(h) This section shall only apply to public schools located in distressed rural counties. If a county is removed from the distressed counties list and one (1) or more of the employees of the public school system within that county was authorized to carry a concealed handgun on school property pursuant to this section, the authorization shall expire thirty (30) days after the county is removed from the list.

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) An employee 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.