

1 AN ACT relating to school safety.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For purposes of this section:*

6 *(a) "Less-than-lethal ammunition" means ammunition that is intended to be*
7 *less likely to kill a living target than conventional ammunition; and*

8 *(b) "Less-than-lethal weapon" means a weapon or a combination of a weapon*
9 *and less-than-lethal ammunition that is intended to be less likely to kill a*
10 *living target than a conventional weapon.*

11 *(2) A local school district may implement a school safety response program for the*
12 *use of less-than-lethal weapons by school employees on school property for the*
13 *protection of themselves and others from imminent death or serious physical*
14 *injury.*

15 *(3) A local school district shall select the weapons and ammunition to include in a*
16 *school safety response program from a less-than-lethal weapons list approved by*
17 *the Department of Kentucky State Police. The list shall include but not be limited*
18 *to rubber bullets, rubber buckshot and shotgun rounds, bean bag shotguns,*
19 *pepper ball guns, stun guns, tranquilizer guns, and flash bang devices.*

20 *(4) Any firearm included in a school safety response program shall be loaded only*
21 *with approved less-than-lethal ammunition.*

22 *(5) (a) School employees who volunteer for the safety response program, and are*
23 *approved to participate by the school principal, shall be trained and certified*
24 *to use each less-than-lethal weapon in the school's program.*

25 *(b) Training shall be provided or certified by the Department of Kentucky State*
26 *Police in accordance with Section 2 of this Act.*

27 *(c) Program volunteers shall be required to be recertified annually.*

1 (6) (a) The weapons included in a school safety response program shall be kept in
 2 one (1) or more locked and secure storage sites on school property. Each
 3 storage site shall be permanently affixed to school property.

4 (b) Each storage site shall include at least one (1) bulletproof vest and at least
 5 one (1) wearable item to help state and local law enforcement identify safety
 6 response program volunteers if law enforcement is called to the school in
 7 response to an active shooter or other lethal weapon situation.

8 (c) A local school district shall collaborate with the Department of Kentucky
 9 State Police and local law enforcement to determine the appropriate
 10 number and location of storage sites for the less-than-lethal weapons and
 11 the appropriate wearable volunteer identifier.

12 (7) (a) Except for acts of gross negligence or willful or wanton misconduct, a local
 13 school district and its employees that implement a school safety response
 14 program pursuant to this section shall be immune from civil liability for any
 15 acts or omissions arising from the implementation of this section.

16 (b) Except for acts of gross negligence or willful or wanton misconduct, a
 17 school safety response program volunteer who acts in good faith shall be
 18 immune from civil liability arising from any act or omission undertaken
 19 while responding to an active shooter or other lethal weapon situation or
 20 otherwise participating in a school safety response program.

21 (8) A local school district that chooses to implement a school safety response
 22 program shall adopt guidelines necessary to carry out this section.

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
 24 READ AS FOLLOWS:

25 Pursuant to Section 1 of this Act:

26 (1) The Department of Kentucky State Police shall:

27 (a) Establish, supervise, and coordinate less-than-lethal weapon training

1 programs for school safety response program volunteers; and
 2 (b) Establish and maintain a list of approved less-than-lethal weapons for use
 3 in a school safety response program.

4 (2) The department may establish requirements for and certify less-than-lethal
 5 weapon training programs provided by other entities, including the Department
 6 of Criminal Justice Training.

7 ➔Section 3. KRS 527.070 is amended to read as follows:

8 (1) A person is guilty of unlawful possession of a weapon on school property when he
 9 knowingly deposits, possesses, or carries, whether openly or concealed, for
 10 purposes other than instructional or school-sanctioned ceremonial purposes, or the
 11 purposes permitted in subsection (3) of this section, any firearm or other deadly
 12 weapon, destructive device, or booby trap device in any public or private school
 13 building or bus, on any public or private school campus, grounds, recreation area,
 14 athletic field, or any other property owned, used, or operated by any board of
 15 education, school, board of trustees, regents, or directors for the administration of
 16 any public or private educational institution. The provisions of this section shall not
 17 apply to institutions of postsecondary or higher education.

18 (2) Each chief administrator of a public or private school shall display about the school
 19 in prominent locations, including, but not limited to, sports arenas, gymnasiums,
 20 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches
 21 wide stating:

22 UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL
 23 PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE
 24 BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A
 25 TEN THOUSAND DOLLAR (\$10,000) FINE.

26 Failure to post the sign shall not relieve any person of liability under this section.

27 (3) The provisions of this section prohibiting the unlawful possession of a weapon on

1 school property shall not apply to:

2 (a) An adult who possesses a firearm, if the firearm is contained within a vehicle
3 operated by the adult and is not removed from the vehicle, except for a
4 purpose permitted herein, or brandished by the adult, or by any other person
5 acting with expressed or implied consent of the adult, while the vehicle is on
6 school property;

7 (b) Any pupils who are members of the reserve officers training corps or pupils
8 enrolled in a course of instruction or members of a school club or team, to the
9 extent they are required to carry arms or weapons in the discharge of their
10 official class or team duties;

11 (c) Any peace officer or police officer authorized to carry a concealed weapon
12 pursuant to KRS 527.020;

13 (d) Persons employed by the Armed Forces of the United States or members of
14 the National Guard or militia when required in the discharge of their official
15 duties to carry arms or weapons;

16 (e) Civil officers of the United States in the discharge of their official duties.
17 Nothing in this section shall be construed as to allow any person to carry a
18 concealed weapon into a public or private elementary or secondary school
19 building;

20 (f) *A person who is certified for participation in and is possessing a weapon as*
21 *part of a school safety response program under Section 1 of this Act;*

22 (g) Any other persons, including, but not limited to, exhibitors of historical
23 displays, who have been authorized to carry a firearm by the board of
24 education or board of trustees of the public or private institution;

25 (h)~~(g)~~ A person hunting during the lawful hunting season on lands owned by
26 any public or private educational institution and designated as open to hunting
27 by the board of education or board of trustees of the educational institution;

1 ~~(i)(h)~~ A person possessing unloaded hunting weapons while traversing the
2 grounds of any public or private educational institution for the purpose of
3 gaining access to public or private lands open to hunting with the intent to
4 hunt on the public or private lands, unless the lands of the educational
5 institution are posted prohibiting the entry; or

6 ~~(i)(i)~~ A person possessing guns or knives when conducting or attending a
7 "gun and knife show" when the program has been approved by the board of
8 education or board of trustees of the educational institution.

9 (4) Unlawful possession of a weapon on school property is a Class D felony.