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Legislative Document

No. 1429

S.P. 515

In Senate, April 23, 2013

**An Act To Allow School Administrative Units To Establish Rules,
Procedures and Guidelines for Properly Trained Staff To Carry a
Concealed Handgun on School Property while Acting in Their
Official Capacities**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Representative WILLETTE of Mapleton and
Senators: PLUMMER of Cumberland, SHERMAN of Aroostook, Representatives: CRAFTS
of Lisbon, DAVIS of Sangerville, GIFFORD of Lincoln, MARKS of Pittston, SHORT of
Pittsfield, TURNER of Burlington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §6552, sub-§2, ¶D** is enacted to read:

3 D. The prohibition on the possession and discharge of a firearm does not apply to an
4 employee of a school administrative unit who is qualified under this subchapter to
5 carry a concealed handgun as long as the school administrative unit has formally
6 adopted a concealed handgun program pursuant to section 6552-A that establishes
7 rules, procedures and guidelines for properly trained staff to carry concealed
8 handguns.

9 **Sec. 2. 20-A MRSA §6552-A** is enacted to read:

10 **§6552-A. Concealed handguns carried by school employees**

11 **1. Adopt rules to allow school employees to carry concealed handguns.** A school
12 administrative unit may adopt rules, procedures and guidelines to establish a concealed
13 handgun program that allows a qualified school employee to carry a concealed handgun
14 on school property after application to and approval by the school board. A school
15 administrative unit electing to establish a program under this section shall require that a
16 school employee who elects to participate in the concealed handgun program established
17 by the school administrative unit:

18 A. Submit an application to the school board of the school administrative unit in
19 which the school employee is employed. The superintendent of the school
20 administrative unit and the principal of the school in which the school employee is
21 employed shall submit in writing to the school board their advice and
22 recommendations to assist the board in considering the application;

23 B. Successfully complete a firearms training course similar to a firearms training
24 course required of all full-time law enforcement officers in the State and receive
25 certification through this training;

26 C. Successfully complete an annual requalification exercise with a certified firearms
27 instructor in the State;

28 D. Successfully complete training in crisis intervention, hostage situations and use of
29 deadly force by a properly trained instructor; and

30 E. Possess a valid permit to carry a concealed handgun from the appropriate issuing
31 authority under Title 25, chapter 252.

32 **2. Responsibilities of authorized personnel.** The school board of a school
33 administrative unit electing to establish a concealed handgun program shall establish in
34 writing the duties and responsibilities of a school employee authorized to carry a
35 concealed handgun on school property. The duties and responsibilities established under
36 this subsection by the school board must be developed in consultation with local, county
37 or state law enforcement representatives, and the resulting written policy must be
38 included in the school administrative unit's emergency response document and placed on
39 file with the appropriate law enforcement agency whose jurisdiction includes the school
40 administrative unit.

1 **3. Stipend.** A school administrative unit that establishes a concealed handgun
2 program under this section may provide a stipend for a participating school employee.

3 **4. Liability insurance.** Liability insurance must be carried on a school employee
4 who participates in a concealed handgun program.

5 **5. Psychological evaluation.** A school administrative unit establishing a concealed
6 handgun program under this section may require that a school employee who applies to
7 participate in the program submit to a psychological evaluation. The psychological
8 evaluation must include, at a minimum, evaluation of anxiety, mood, anger, antisocial
9 characteristics, ability to accept criticism, ability to communicate, assertiveness, self-
10 confidence, ability to get along with others, judgment and verbal skills. If a school
11 administrative unit requires a school employee applying to participate in a concealed
12 handgun program to submit to a psychological evaluation under this subsection, the
13 school administrative unit shall pay the cost of the evaluation.

14 **6. Firearms training.** The Maine Criminal Justice Academy shall design an
15 appropriate training curriculum for participating school employees, to be administered by
16 qualified firearms instructors. The Maine Criminal Justice Academy may offer this
17 firearms training during the summer months.

18 **7. Retired law enforcement officers.** A school administrative unit may employ as
19 security personnel a retired full-time law enforcement officer who has been requalified by
20 a certified firearms instructor pursuant to this section.

21 **8. Confidentiality of records.** Applications, recommendations and other documents
22 related to the participation of school employees in concealed handgun programs
23 established under this section are not public records within the meaning of Title 1, section
24 402, subsection 3. Deliberations by a school board on the applications reviewed and the
25 selections made under this section may be conducted in executive session pursuant to
26 Title 1, section 405, subsection 6, paragraph A. The names of school employees
27 participating in concealed handgun programs established under this section and any
28 certification documents are public records.

29 **9. Consultation with law enforcement agency.** Prior to establishing a concealed
30 handgun program under this section, a school administrative unit shall consult with the
31 law enforcement agency whose jurisdiction includes the school administrative unit.

32 **10. Identification of personnel; protocols.** A school board of a school
33 administrative unit electing to establish a concealed handgun program under this section
34 shall include the names of participating personnel and details regarding program
35 protocols in the school administrative unit's emergency response document that is filed
36 with the law enforcement agency whose jurisdiction includes the school administrative
37 unit.

38 **11. Changes to program, personnel and protocols.** After implementing a
39 concealed handgun program under this section, a school administrative unit shall report
40 all material changes to the program, participating personnel and protocols to the law
41 enforcement agency whose jurisdiction includes the school administrative unit.

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Sec. 4. 25 MRSA §2001-A, sub-§2, ¶J is enacted to read:

J. A handgun carried by a properly trained staff member in a school administrative unit in which rules, procedures and guidelines have been adopted by the school administrative unit pursuant to Title 20-A, section 6552-A.

Sec. 5. 25 MRSA §2002, sub-§10-B is enacted to read:

10-B. Properly trained staff member. "Properly trained staff member" means an employee of a school administrative unit who is qualified to carry a concealed handgun under Title 20-A, section 6552-A.

SUMMARY

This bill enables school administrative units to establish rules, procedures and guidelines to allow a properly trained school employee to carry a concealed handgun on school property. The bill requires a school administrative unit electing to allow an employee to carry a concealed handgun on school property to ensure that the employee successfully completes a firearms training course and requalifies on an annual basis. It also requires the employee to complete training in crisis intervention and hostage situations and use of deadly force, and possess a valid permit to carry a concealed handgun. The bill requires a school administrative unit establishing a concealed handgun program to establish in writing the duties and responsibilities of school employees authorized to participate in the program. It also requires that liability insurance be carried on each participating employee, whether paid for by the school administrative unit or the employee. The bill enables a school administrative unit to pay a participating employee a stipend and to require an employee applying to carry a concealed handgun on school property to submit to a psychological evaluation. It authorizes the Maine Criminal Justice Academy to design a firearms training course for school employees who have applied to carry concealed handguns on school property. This bill specifies that participation in the program by a school employee is voluntary and provides that if at least 10% of the number of voters voting in the last general election petition the school administrative unit, the issue will be put to a vote at referendum.