

Amendment No. 1 to HB2129

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2059*

House Bill No. 2129

by deleting all language after the caption and substituting instead the following:

WHEREAS, the safety of our children is paramount; and

WHEREAS, reducing the armed response time for law enforcement officers for reports of armed intruders on school premises is vital to ensuring the safety of children, teachers, and school personnel; and

WHEREAS, increasing the presence of properly trained, armed, and certified officials on school premises will aid in protecting our children, teachers, and school personnel; and

WHEREAS, the presence of armed school security officers will help to comfort parents, children, and citizens of this State concerned for the safety of those present on school premises; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "School Safety Act of 2018."

SECTION 2. Tennessee Code Annotated, Section 39-17-1309(e)(10), is amended by deleting the language "pursuant to § 49-6-815 or § 49-6-816" and substituting instead the language "pursuant to § 49-6-809, § 49-6-815, or § 49-6-816".

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-809.

(a) For purposes of this section, "law enforcement officer" means the sheriff, sheriff's deputies, or any police officer employed by the state, a municipality, county, or political subdivision of the state certified by the peace officer standards and training

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(POST) commission or certified in a manner substantially equivalent to the requirements of the POST commission; any commissioned member of the Tennessee highway patrol; and any Tennessee county constable authorized to carry a firearm and who has been certified by the POST commission.

(b) To increase the protection and safety of students and school personnel, LEAs may permit off-duty law enforcement officers to serve as armed school security officers during regular school hours when children are present on the school's premises, as well as during school-sponsored events occurring outside of regular school hours that are conducted on the school's premises, excluding rehearsals and practices.

(c)

(1) Before an LEA permits off-duty law enforcement officers to serve as armed school security officers, the LEA shall enter into a memorandum of understanding (MOU) with each law enforcement agency that employs the law enforcement officers the LEA intends to select to serve as armed school security officers.

(2) Any MOU entered into pursuant to subdivision (c)(1) shall contain the following:

(A) A provision that prescribes the types of firearms that may be carried by an armed school security officer on school premises and the manner in which the armed school security officer's firearm may be carried; provided, that the MOU shall not prohibit an off-duty law enforcement officer who is serving as an armed school security officer from carrying a loaded handgun on school premises;

(B) A provision limiting the role of armed school security officers to that of maintaining safety in the school and prohibiting armed school security officers from addressing routine school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or staff of the school;

(C) Procedures for communication among the LEA, armed school security officers, school resource officers, and local law enforcement agencies;

(D) A description of any policies, procedures, or other requirements that the armed school security officers must follow when responding to an emergency on school grounds;

(E) A statement requiring that armed school security officers comply with all state and federal laws regarding the confidentiality of personally identifiable student information; and

(F) Procedures for addressing complaints against armed school security officers.

(3) Any MOU entered into pursuant to subdivision (c)(1) may prescribe whether an armed school security officer is required to be uniformed on school premises.

(4) If an MOU entered into pursuant to this subsection (c) would permit law enforcement officers to serve as armed school security officers at a school that is located within the jurisdictional boundaries of another law enforcement agency that is not the law enforcement officers' employing agency, then the MOU shall not take effect until approved by the chief law enforcement officer of the law enforcement agency with law enforcement jurisdiction for the school.

(d) Nothing in this section requires LEAs to permit an off-duty law enforcement officer to serve as an armed school security officer on school premises.

(e)

(1) The chief law enforcement officer of each law enforcement agency in this state shall prepare and distribute a list of its law enforcement officers who the chief law enforcement officer deems qualified and who are interested in serving as armed school security officers pursuant to this section to each LEA located within the law enforcement agency's jurisdictional boundaries and to each LEA located within the jurisdictional boundaries of another law enforcement agency with which the law enforcement agency has a mutual aid agreement for purposes of furnishing assistance in law enforcement. The list must provide the officer's name and current contact information.

(2) The chief law enforcement officer of a law enforcement agency may prohibit a law enforcement officer employed by another law enforcement agency from serving as an armed school security officer at a school located within the chief law enforcement officer's jurisdiction if the law enforcement officer has received a disciplinary action within the last five (5) years that resulted in, at a minimum, a written reprimand, by sending a written notice of the prohibition to the law enforcement officer, the law enforcement officer's employing agency, and the school. The law enforcement officer is entitled to compensation pursuant to this section for any armed school security officer workdays served by the officer prior to receipt of the written notice by the earliest of the law enforcement officer, the law enforcement officer's employing agency, or the school.

(f)

(1) As used in this subsection (f):

(A) "Armed school security officer workday" or "workday" equals one (1) shift of up to eight (8) hours served during a calendar day by one (1) armed school security officer during:

(i) Regular school hours when children are present on the school's premises; or

(ii) School-sponsored events occurring outside of regular school hours that are conducted on the school's premises, excluding rehearsals and practices; and

(B) "Calendar day" means a twenty-four-hour period beginning at midnight and ending at midnight the following day.

(2) A public school shall not accrue more than four (4) state-funded armed school security officer workdays during a calendar day. Nothing in this subdivision (f)(2) prohibits an LEA from employing, and compensating from LEA funds, additional armed school security officers for purposes of this section.

(3) If an LEA elects to have an off-duty law enforcement officer to serve as an armed school security officer in accordance with this section, then the state shall pay the officer a lump sum payment in the amount specified in subdivision (f)(4). The state shall also pay the officer's employing law enforcement agency and the LEA for which the officer served as an armed school security officer the amounts specified in subdivision (f)(4) for each workday.

(4) The rate of state funding is sixty-two dollars (\$62.00) per armed school security officer workday, and consists of:

(A) Fifty-eight dollars (\$58.00) to be paid directly to the armed school security officer;

(B) Two dollars (\$2.00) to be paid directly to the armed school security officer's employing law enforcement agency; and

(C) Two dollars (\$2.00) to be paid directly to the LEA.

(5) The amount of the lump sum paid to the armed school security officer per workday pursuant to subdivision (f)(4)(A) shall not be reduced if the officer serves a shift of less than eight (8) hours of armed security service either during

regular school hours when children are present on the school's premises or during school-sponsored events occurring outside of regular school hours that are conducted on the school's premises, excluding rehearsals and practices.

(6) The LEA shall be responsible for compensating an armed school security officer for additional time worked beyond eight (8) hours during regular school hours when children are present on the school's premises or during school-sponsored events occurring outside of regular school hours that are conducted on the school's premises, excluding rehearsals and practices.

(7) Payments to armed school security officers shall be made from the general fund, pursuant to this subsection (f), and in accordance with rules promulgated by the department of finance and administration in accordance with title 4, chapter 5.

(8) Nothing in this section prohibits an LEA from compensating, from LEA funds, an armed school security officer in excess of the lump sum payment of state funds provided under this subsection (f).

(g) LEAs shall maintain a record of the hours served by an armed school security officer for the LEA during regular school hours when children are present on the school's premises, as well as a record of the hours served by an armed school security officer during school-sponsored events occurring outside of regular school hours that are conducted on the school's premises, excluding rehearsals and practices.

(h) No LEA may replace a school resource officer or any other school security measure with an armed school security officer authorized pursuant to this section. Each LEA that authorizes the use of armed school security officers shall continue to fund school resource officers and any other school security measures for schools within the LEA at or above the level that is in place during the 2017-2018 school year for each subsequent school year. Any law enforcement agency that provides funding for school resource officers or other school security measures according to a memorandum of

understanding in place during the 2017-2018 school year shall continue to fund school resource officers and other school security measures at or above the level established by that memorandum of understanding for each subsequent school year.

SECTION 4. The commissioner of finance and administration is authorized to promulgate rules to effectuate the purposes of this act. All rules must be promulgated in accordance with title 4, chapter 5.

SECTION 5. This act is repealed effective July 1, 2022.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.