

Amendment No. 1 to HB2208

Farmer  
Signature of Sponsor

**AMEND Senate Bill No. 2563**

**House Bill No. 2208\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section, "employee" means a person employed full time to work in a public kindergarten through grade twelve (K-12) school, including as a teacher, principal, vice principal, or other staff member.

(b)

(1) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, in addition to persons who are authorized to possess a firearm on school property under any other law, a local board of education may adopt a policy allowing the director of schools, in consultation with the principal of each school, to 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 authorizes 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 seventy-five (75) students enrolled in the school.

(c) 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.

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(d)

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

(A) Possesses and maintains a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

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

(C)

(i) Prior to carrying the concealed handgun on school property, successfully completes at least forty (40) hours of handgun instruction administered and taught by a law enforcement agency or a private certified firearms instructor. The handgun instruction curriculum shall be taken by the law enforcement agency or the private certified firearms instructor from an existing curriculum that has been approved by the peace officers standards and training (POST) commission for use in training school resource officers and other law enforcement officers;

(ii) For purposes of this section, a "private certified firearms instructor" is a person who:

(a) Is certified as a firearm instructor by either the National Rifle Association or an agency that accredits firearms instructors;

(b) Has successfully completed an instructor development course;

(c) Is a certified active shooter instructor; and

(d) Has had experience as a law enforcement officer or member of the United States military and retired or was discharged in good standing; and

(D) On an annual basis, completes at least sixteen (16) hours of continuing handgun instruction administered and taught by a local law enforcement agency or a private certified firearms instructor.

(2) Any handgun instruction curriculum that a law enforcement agency or a private certified firearms instructor uses for school employees as provided in subdivision (d)(1)(C) shall include instruction designed to:

(A) Emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(B) Educate the employee about legal issues relating to the use of force or deadly force in the protection of others;

(C) Introduce the employee to effective school safety strategies and techniques;

(D) Improve the employee's proficiency with a handgun; and

(E) Enable the employee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(3) It is the duty of the employee to send to the director of schools a certificate evidencing successful completion of the initial forty-hour handgun

training instruction and the annual sixteen-hour continuing handgun training instruction. No director of schools 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 and a valid handgun carry permit.

(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 employee 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 prohibit 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, faculty and staff, students, and the employee carrying the concealed handgun pursuant to this section:

(1) Within ten (10) days after the director of schools has authorized an employee to carry a concealed handgun on school property pursuant to subdivision (b)(1), the director shall notify the chief of the appropriate local law enforcement agency of each such authorization; and

(2) Each employee authorized by the director of schools to carry a concealed 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) An employee's authorization to carry a concealed handgun pursuant to this section shall become ineffective upon the:

(1) Expiration, suspension, or revocation of the employee's handgun carry permit pursuant to § 39-17-1351; or

(2) Termination of the employee's employment with the school.

(h) The board of education and director of schools may, at their sole discretion, revoke an employee's authorization to carry a concealed handgun on school property with or without cause.

(i) The notification transmitted to the chief of the appropriate local law enforcement agency pursuant to subdivision (f)(1), the names and contact information of any employee authorized to carry a concealed handgun on school property pursuant to subdivision (b)(1), any listing or compilation of names or individual names of persons who are authorized to carry a concealed handgun on school property, whether the director of schools and the principal of the school have or have not authorized an employee to carry a concealed handgun on school property, or any other document, file, record, information, or material relating to the carrying of a concealed handgun on school property pursuant to this section that is transmitted to or received, maintained, stored, or compiled by the director of schools, the principal of the school, any LEA, or county or municipal law enforcement agency, shall be confidential and not open for public inspection under title 10, chapter 7.

(j) Nothing in § 49-3-315 shall 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.

(k) No LEA may replace a school resource officer with an employee authorized to carry and possess a concealed handgun pursuant to this section. Each LEA that

authorizes employees to carry and possess concealed handguns shall continue to fund school resource officers 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 according to a memorandum of understanding in place during the 2017-2018 school year shall continue to fund school resource officers at or above the level established by that memorandum of understanding for each subsequent school year.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.