

Amendment No. 2 to HB1202

White

Signature of Sponsor

AMEND Senate Bill No. 1325

House Bill No. 1202*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-815, is amended by deleting subsections (a)-(d) and substituting:

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, and subject to subsection (b):

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA is permitted to possess and carry a concealed handgun on the grounds of the school at which the person is assigned; and

(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 is permitted to possess and carry a firearm on the grounds of the school at which the person is assigned.

(b) In order to possess and carry a handgun or firearm on school grounds:

(1) Pursuant to subdivision (a)(1), the faculty or staff member must:

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

(B) Have the written authorization of the chief of the appropriate law enforcement agency to carry or possess a concealed handgun on school grounds;

(C) Not be prohibited from purchasing, possessing, or carrying a handgun under the laws of this state or federal law, as determined by a background check. The faculty or staff member must submit two (2) full sets of classifiable fingerprints to the law enforcement agency from which the faculty or staff member is seeking authorization under subdivision (b)(1)(B). The agency must then submit the fingerprints to the Tennessee bureau of investigation. Upon receipt of the fingerprints from the agency, the Tennessee bureau of investigation shall:

(i) Within thirty (30) days, conduct computer searches to determine the person's eligibility to purchase, possess, or carry a handgun as are available to the bureau based solely upon the person's name, date of birth, and social security number, and send the results of the searches to the submitting agency;

(ii) Conduct a criminal history record check based upon one (1) set of the fingerprints received, and send the results to the submitting agency; and

(iii) Send one (1) set of the fingerprints received from the submitting agency to the federal bureau of investigation; request a federal criminal history record check based upon the fingerprints, as long as the service is available; and send the results of the check to the submitting agency;

(D) Have been certified by a Tennessee licensed healthcare provider, who is qualified in the psychiatric or psychological field and who contracts with the authorizing law enforcement agency, as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the faculty or staff member's ability to safely possess and carry a concealed handgun on the grounds of a school; and

(E) Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217 when the authorization to carry a handgun on school grounds is issued. The faculty or staff member must complete a minimum of forty (40) hours of training specific to school policing that has been approved by the peace officer standards and training (POST) commission each year to retain the authorization. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a concealed handgun on school grounds, not the LEA of the school at which the person is assigned; or

(2) Pursuant to subdivision (a)(2), the person must:

(A) Be authorized to possess and carry a firearm pursuant to § 39-17-1351;

(B) Have the joint written authorization of the LEA's director of schools in conjunction with the principal of the school at which the person is assigned, to carry or possess a firearm on school grounds; and

(C)

(i) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106;

(ii) Comply with all laws, rules, and regulations of the POST commission; and

(iii) Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a firearm on school grounds, not the LEA of the school at which the person is assigned.

(c) No later than ten (10) days after the director of schools authorizes a person to carry or possess a firearm on school grounds pursuant to subdivision (a)(2), the director shall notify the chief of the appropriate law enforcement agency of the authorization and provide the law enforcement agency with the person's basic information, including the person's name, address, and contact information.

(d) The following is confidential and not open for public inspection:

(1) A joint written authorization of an LEA's director of schools and the principal of the school at which a person is assigned and authorized to carry or possess a firearm on school grounds given pursuant to subdivision (b)(2)(B);

(2) A notification transmitted to the chief of the appropriate law enforcement agency pursuant to subsection (c);

(3) The name and contact information of a person authorized to carry or possess a firearm on school grounds;

(4) Whether an LEA's director of schools and the principal of a school have, or have not, issued a joint written authorization for a person to carry or possess a firearm on school grounds; or

(5) Any other document, file, record, information, or material relating to the carrying or possessing of a firearm on school grounds that is authorized pursuant to this section and that is received by, transmitted to, maintained by, stored by, or compiled by the director of schools, the principal of the school, an LEA, or a city, county, or municipal law enforcement agency.

SECTION 2. Tennessee Code Annotated, Section 49-6-815, is amended by adding the following as new subsections:

(f)

(1) The name and any other information that might identify a faculty or staff member as a person who has elected to carry a concealed handgun pursuant to subdivision (a)(1) is confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency; provided, that the employee's name and other information may be disclosed to an administrative officer of the school district who is responsible for school facility security if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. An administrative officer to whom such information is disclosed must maintain the information as confidential and shall not disclose the information to another person.

(2) Law enforcement agencies may develop policies and procedures to implement the notification and confidentiality requirements of subdivision (f)(1).

(g) A faculty or staff member who carries a concealed handgun pursuant to subdivision (a)(1) on property owned, operated, or controlled by the school at which the faculty or staff member is assigned shall not:

(1) Carry the handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

(2) Carry the handgun at the following times and locations:

(A) Stadiums, gymnasiums, or auditoriums when school-sponsored events are in progress;

(B) In meetings regarding disciplinary matters;

(C) In meetings regarding tenure issues;

(D) In a hospital, clinic, or office where medical or mental health services are the primary services provided; and

(E) Any location where a provision of state or federal law, except for § 39-17-1309 and the posting provisions of § 39-17-1359, prohibits the carrying of a firearm on that property.

(h) Notwithstanding any other law to the contrary, the LEA and law enforcement agency are immune from claims for monetary damages that arise solely from, or that are related to, a faculty or staff member's use of, or failure to use, a handgun; provided, that the faculty or staff member is authorized to carry the handgun pursuant to this section. This section does not expand the existing conditions for which sovereign immunity is waived in § 9-8-307.

(i) As used in this section, "faculty or staff member":

(1) Includes all faculty, staff, and other persons who are employed on a full-time basis by the LEA; and

(2) Does not include a person who is enrolled as a student at the school, regardless of whether the person is also an employee of the LEA.

(j) This section does not apply to:

(1) Schools within the department of children's services' LEA; or

(2) Schools within the department of correction's LEA.

(k) As used in this section, "appropriate law enforcement agency" means:

(1) The law enforcement agency that employs a school resource officer that is assigned to the school; or

(2) If no school resource officer is assigned to the school, the law enforcement agency with jurisdiction over the school.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.