

Senator Todd Weiler proposes the following substitute bill:

FIREARM SAFETY AND VIOLENCE PREVENTION IN

PUBLIC SCHOOLS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill provides for firearm safety and violence prevention instruction in public schools.

Highlighted Provisions:

This bill:

- ▶ creates a pilot program to provide instruction to certain public school students on firearm safety and violence prevention;
- ▶ directs the Office of the Attorney General, in collaboration with the State Board of Education, to select a provider to supply materials and curriculum for the instruction to be provided under the pilot program;
- ▶ provides a reporting requirement; and
- ▶ provides a sunset date.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2017:

- ▶ to the Attorney General - Attorney General, as a one-time appropriation:
 - from the ~~State~~ **Education** Fund, One-time, \$75,000.

Other Special Clauses:

1st Sub. S.B. 43



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **63I-1-253**, as last amended by Laws of Utah 2015, Chapters 62, 431, and 442

30 ENACTS:

31 **53A-13-106.5**, Utah Code Annotated 1953

32 REPEALS:

33 **53A-13-106**, as last amended by Laws of Utah 2008, Chapter 382



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **53A-13-106.5** is enacted to read:

37 **53A-13-106.5. Firearm Safety and Violence Prevention Pilot Program.**

38 (1) As used in this section:

39 (a) "District school" means a public school under the control of a local school board
40 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
41 Boards.

42 (b) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short
43 barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a
44 projectile by action of an explosive.

45 (c) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program
46 created under Subsection (2).

47 (2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide
48 instruction that a public school may offer to a student in any of grades 5 through 12 on:

49 (a) firearm safety, including:

50 (i) developing the knowledge, habits, skills, and attitudes necessary for the safe
51 handling of firearms; and

52 (ii) teaching a student that to avoid injury when the student finds a firearm the student
53 should:

54 (A) not touch the firearm;

55 (B) tell an adult about finding the firearm and the location of the firearm; and

56 (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other

57 minors who are with the student when the student finds the firearm; and
58 (b) what to do if the student becomes aware of a threat against the school.
59 (3) The instruction described in Subsection (2):
60 (a) may be delivered:
61 (i) in a public school using live instruction or a video or online materials; or
62 (ii) at home using a video or online materials; and
63 (b) shall be neutral of political statements on guns.
64 (4) The Office of the Attorney General, in collaboration with the State Board of
65 Education, shall select one or more providers, through the standard procurement process or an
66 exception to the standard procurement process as described in Title 63G, Chapter 6a, Utah
67 Procurement Code, to supply materials and curriculum for the pilot program.
68 (5) (a) A district school or charter school may participate in the pilot program, subject
69 to approval by the district school's local school board or charter school's charter school
70 governing board.
71 (b) A district school or charter school that chooses to participate in the pilot program:
72 (i) shall use the materials and curriculum supplied by the provider selected under
73 Subsection (4);
74 (ii) may permit the following to provide instruction on a voluntary basis:
75 (A) the Division of Wildlife Resources;
76 (B) a local law enforcement agency;
77 (C) a peace officer, as defined in Section [53-13-102](#); or
78 (D) another certified firearms safety instructor, as defined in rules made by the State
79 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
80 Act; and
81 (iii) shall ensure that a firearm is not used in providing the instruction.
82 (c) A student may not be given the instruction described in Subsection (2) unless the
83 student's parent or legal guardian has given prior written consent.
84 (6) The Office of the Attorney General, in collaboration with the State Board of
85 Education shall evaluate the pilot program and report to the Law Enforcement and Criminal
86 Justice Interim Committee on or before December 1, 2018.
87 Section 2. Section **63I-1-253** is amended to read:

88 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

89 The following provisions are repealed on the following dates:

90 [~~(1) Section 53-3-232, Conditional license, is repealed July 1, 2015.~~]

91 [~~(2)~~] (1) Subsection 53-10-202(18) is repealed July 1, 2018.

92 [~~(3)~~] (2) Section 53-10-202.1 is repealed July 1, 2018.

93 [~~(4)~~] (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is
94 repealed July 1, 2020.

95 (4) Section 53A-13-106.5 is repealed July 1, 2019.

96 (5) The State Instructional Materials Commission, created in Section 53A-14-101, is
97 repealed July 1, 2016.

98 (6) Section 53A-15-106 is repealed July 1, 2019.

99 (7) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

100 (8) Section 53A-16-114 is repealed December 31, 2016.

101 (9) Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed
102 July 1, 2016.

103 (10) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.

104 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
105 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
106 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

107 **Section 3. Appropriation.**

108 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
109 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
110 are appropriated from resources not otherwise appropriated, or reduced from amounts
111 previously appropriated, out of the funds or accounts indicated. These sums of money are in
112 addition to any amounts previously appropriated for fiscal year 2017.

113 To Attorney General - Attorney General

114 From \$→ [General] Education ←\$ Fund, One-time \$75,000

115 Schedule of Programs:

116 Administration \$75,000

117 The Legislature intends that appropriations provided under this section:

118 (1) be used for the Firearm Safety and Violence Prevention Pilot Program described in

119 Section 53A-13-106.5; and

120 (2) under Section 63J-1-603, not lapse at the close of fiscal year 2017.

121 Section 4. **Repealer.**

122 This bill repeals:

123 Section **53A-13-106, Instruction in firearm safety -- Purpose -- School districts to**
124 **implement volunteer education classes -- Parental consent exception.**