

**Representative Tim Jimenez** proposes the following substitute bill:

**SCHOOL EMPLOYEE FIREARM POSSESSION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim Jimenez**

Senate Sponsor: David P. Hinkins

**LONG TITLE**

**General Description:**

This bill creates a program regarding the possession of a firearm by a school employee.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Educator-Protector Program to incentivize school teachers to responsibly secure or carry a firearm on school grounds by providing reimbursements and liability protection; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-505.5**, as last amended by Laws of Utah 2021, Chapter 141

ENACTS:

**53-22-105**, Utah Code Annotated 1953



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

28 Section 1. Section **53-22-105** is enacted to read:

29 **53-22-105. Educator-Protector Program.**

30 (1) As used in this section:

31 (a) "Annual classroom response training" means a training for a teacher:

32 (i) that held at least once a year and is administered, at no cost ~~to~~ ~~by a county sheriff, the~~

33 ~~department, or a local law enforcement agency for a teacher~~ to a teacher, by the individual

33a identified by the county sheriff as described in Section 53-22-103 ~~to~~ ; and

34 (ii) where the teacher is trained:

35 (A) on how to defend a classroom ~~to~~ ~~including a live action practice in defending~~ ~~to~~

35a against

36 active threats emphasizing the teacher's role in stationary defense; and

37 (B) on the safe loading, unloading, storage, and carrying of firearms in a school setting.

38 (b) "Annual firearms training" means a training that is held at least once a year and

39 that:

40 (i) is at least four hours in length;

41 (ii) includes practicing and demonstrating firearms proficiency at a firearms range

42 using the firearm the teacher carries for self-defense and defense of others; and

43 (iii) is offered:

44 (A) at no cost to a teacher, by ~~to~~ ~~a county sheriff, the department, or a local law~~

45 ~~enforcement agency~~ the individual identified by the county sheriff as described in Section 53-

45a ~~22-103~~ ~~to~~ ;

46 (B) by a national, state, or local firearms training organization that is approved by the

47 bureau to provide firearms training; or

48 (C) by an individual who has been certified by the bureau to provide firearms training,

49 including a law enforcement officer, a military firearms instructor, a civilian firearms

50 instructor, or a hunter safety instructor.

51 (c) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#).

52 (d) "Local education agency" means the same as that term is defined in Section

53 [53E-1-102](#).

54 (e) "Program" means the Educator-Protector Program created under this section.

55 (f) "Teacher" means an individual employed by a local education agency who has an

56 assignment to teach in a classroom.

57 (2) There is created the Educator-Protector Program to incentivize a teacher to  
 58 responsibly secure or carry a firearm on the grounds of the school where the teacher is  
 59 employed.

60 (3) (a) To participate in the program, a teacher shall:

61 (i) have completed within six months before the day on which the teacher joins the  
 62 program:

63 (A) an annual classroom response training; and

64 (B) an annual firearms training;

65 (ii) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,  
 66 Concealed Firearm Act; and

67 (iii) certify to the department that the teacher satisfies the requirements described in  
 68 Subsections (3)(a)(i) and (3)(a)(ii) and intends to securely store or carry a firearm on the  
 69 grounds of a school where the teacher is employed.

70 (b) After joining the program, to retain the teacher's active status in the program, a  
 71 teacher shall:

72 (i) participate in annual classroom response training;

73 (ii) participate in annual firearms training; and

74 (iii) comply with any rules established by the department in accordance with  
 75 Subsection (11).

76 (4) (a) The state security chief shall:

77 (i) track each teacher that participates in the program by collecting a photograph, name,  
 78 and contact information for each teacher;

79 (ii) make the information described in Subsection (4)(a) readily available to each law  
 80 enforcement agency in the state;

81 (iii) reimburse each teacher participating in the program up to \$500 for installing a  
 82 biometric gun safe in the teacher's classroom or office; and

83 (iv) provide ~~H~~→ [reasonable reimbursement] a reimbursement of up to \$500 ←~~H~~ to a  
 83a county sheriff ~~H~~→ [or local law enforcement

84 agency that provides a teacher with] for each teacher that is provided ←~~H~~ annual classroom  
 84a response training ~~H~~→ [or] and ←~~H~~ annual firearms  
 85 training.

86 (b) The state security chief shall categorize the information described in Subsection  
 87 (4)(a)(i) by school.

87a ~~H~~→ (c) The state security chief shall discontinue providing reimbursements under Subsections  
 87b (4)(a)(iii) and (iv) when any funds appropriated by the Legislature for that purpose have been  
 87c depleted. ←~~H~~

- 88           (5) A school employee participating in the program:  
89           (a) may store the teacher's firearm on the grounds of a school only if:  
90           (i) the firearm is stored in a biometric gun safe;  
91           (ii) the biometric gun safe is located in the teacher's classroom or office; and  
92           (iii) the teacher is physically present on the grounds of the school while the firearm is  
93 stored in the biometric gun safe; and  
94           (b) shall carry the teacher's firearm in a concealed manner unless during an active  
95 threat.  
96           (6) This section does not prohibit an individual who has a valid concealed carry permit  
97 but is not participating in the program from carrying firearms on the grounds of a school as  
98 described in Subsection [76-10-505.5\(4\)](#).  
99           (7) (a) A teacher in the program when carrying, using, or storing a firearm is not liable  
100 for any civil damages or penalties if the teacher:  
101           (i) has active status in the program;  
102           (ii) is acting in good faith; and  
103           (iii) is not grossly negligent.  
104           (b) A local education agency is not liable for civil damages or penalties resulting from  
105 a teacher who is participating in the program carrying, using, or storing a firearm at a school.  
106           (8) Each school within a local education agency shall post a sign that states that the  
107 school is not a gun free zone and an individual intending to commit violence on the school's  
108 grounds may be confronted by armed resistance.  
109           (9) A local education agency may not prevent a teacher from participating in the  
110 program under this section.  
111           (10) (a) Any information or record created detailing a teacher's participation in the  
112 program is:  
113           (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government  
114 Records Access and Management Act; and  
115           (ii) available only to  
116           (A) the state security chief;  
117           (B) a local law enforcement agency that would respond to the school in case of an  
118 emergency; and

119 (C) the individual designated by the county sheriff in accordance with Section  
120 53-22-103 of the county of the school where the teacher in the program is located.

121 (b) The information or record described in Subsection (10)(a) includes the information  
122 described in Subsection (4)(a)(i) and any personal identifying information of a teacher  
123 participating in the program collected or obtained during annual classroom response training  
124 and annual firearms training.

125 (c) An individual who intentionally or knowingly provides the information described in  
126 Subsection (10)(a) to an individual or entity not listed in Subsection (10)(a)(ii) is guilty of a  
127 class A misdemeanor.

128 (11) The department may adopt, according to Title 63G, Chapter 3, Utah  
129 Administrative Rulemaking Act, rules to administer this section.

130 Section 2. Section **76-10-505.5** is amended to read:

131 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**  
132 **shotgun on or about school premises -- Penalties.**

133 (1) As used in this section, "on or about school premises" means:

134 (a) (i) in a public or private elementary or secondary school; or

135 (ii) on the grounds of any of those schools; or

136 (b) (i) in a public or private institution of higher education; or

137 (ii) on the grounds of a public or private institution of higher education; and

138 (iii) (A) inside the building where a preschool or child care is being held, if the entire  
139 building is being used for the operation of the preschool or child care; or

140 (B) if only a portion of a building is being used to operate a preschool or child care, in  
141 that room or rooms where the preschool or child care operation is being held.

142 (2) [~~A person~~] An actor may not possess any dangerous weapon, firearm, or short  
143 barreled shotgun, as those terms are defined in Section **76-10-501**, at a place that the [~~person~~]  
144 actor knows, or has reasonable cause to believe, is on or about school premises as defined in  
145 this section.

146 (3) (a) Possession of a dangerous weapon on or about school premises is a class B  
147 misdemeanor.

148 (b) Possession of a firearm or short barreled shotgun on or about school premises is a  
149 class A misdemeanor.

150 (4) This section does not apply if:  
151 (a) the [person] actor is authorized to possess a firearm as provided under Section  
152 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;  
153 (b) the [person] actor is authorized to possess a firearm as provided under Section  
154 53-5-704.5, unless the [person] actor is in a location where the [person] actor is prohibited  
155 from carrying a firearm under Subsection 53-5-710(2);  
156 (c) the possession is approved by the responsible school administrator;  
157 (d) the item is present or to be used in connection with a lawful, approved activity and  
158 is in the possession or under the control of the [person] actor responsible for its possession or  
159 use; or  
160 (e) the possession is:  
161 (i) at the [person's] actor's place of residence or on the [person's] actor property; or  
162 (ii) in any vehicle lawfully under the [person's] actor control, other than a vehicle  
163 owned by the school or used by the school to transport students.  
164 (5) This section does not:  
165 (a) prohibit prosecution of a more serious weapons offense that may occur on or about  
166 school premises; or  
167 (b) prevent a actor from securely storing a firearm on the grounds of a school if the  
168 actor participates in the Educator-Protector Program created in Section 53-22-105 and complies  
169 with Subsection 53-22-105(5)(a).  
170 Section 3. **Effective date.**  
171 This bill takes effect on May 1, 2024.