

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H2/12/13 H2/15/13 H2/20/13*
89th General Assembly **A Bill**
Regular Session, 2013

HOUSE BILL 1231

By: Representatives Lenderman, *Alexander, Ballinger, Baltz, Branscum, Copenhaver, D. Douglas, Hawthorne, Holcomb, Magie, McCrary, T. Thompson, W. Wagner, Wardlaw, Wren*
By: Senator R. Thompson

For An Act To Be Entitled

AN ACT CONCERNING SCHOOL SECURITY AND SCHOOL CRISIS
RESPONSE TRAINING; TO DECLARE AN EMERGENCY; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING SCHOOL SECURITY AND SCHOOL
CRISIS RESPONSE TRAINING; TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code § 5-73-119(e), concerning defenses to carrying a handgun or firearm on school property, is amended to read as follows:

(e) It is a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:

(1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;

(2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;

(3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and



scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;

(4) The person is a licensed security guard acting in the course and scope of his or her duties;

(5) The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm;

(6) The person is a certified law enforcement officer;

(7) The person is on a journey, unless the person is eighteen (18) years of age or ~~less~~ younger;

(8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;

(9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms; ~~or~~

(10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis or is traveling to or from ~~this activity~~ a lawful marksmanship competition or practice or other lawful recreational shooting with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis; ~~or~~

(11) The person is authorized to carry a firearm or concealed handgun on school property under § 6-15-1303.

SECTION 2. Arkansas Code § 5-73-306(14), concerning the prohibition against carrying a concealed handgun on school property, is amended to read as follows:

(14) Any school, college, community college, or university campus building or event, unless:

(A) ~~for~~ For the purpose of participating in an authorized firearms-related activity; or

(B) Authorized to carry a concealed handgun on school property under § 6-15-1303;

SECTION 3. Arkansas Code Title 6, Chapter 15, Subchapter 13, is amended to add a new section to read as follows:

6-15-1303. Existing school employees as security personnel.

(a)(1) A school district board of directors, upon recommendation of the superintendent, may contract with an existing school employee for additional pay to provide security during school hours in addition to his or her other job duties.

(A) The supplemental security services contract for additional pay shall be:

(i) On a monthly basis;

(ii) Outside of the normal employment contract; and

(iii) Outside of the scope and jurisdiction of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq.

(B) The superintendent may withdraw immediately and cancel the security services contract upon written notice to the employee, and the employee shall receive on or before the next pay period payment for the lesser of:

(i) The remainder of the contract term; or

(ii) Two (2) months' pay for security services.

(C) Upon notice of the cancellation of the contract, the employee immediately shall return school-owned firearms, ammunition, safety gear, or other items furnished by the district for security duties and shall have the opportunity to remove personally owned firearms or equipment from school property.

(2) An employee performing duties under the additional contractual agreement under this section:

(A) May carry a firearm on school property;

(B) Shall complete a forty-hour training course at an accredited law enforcement training academy in Arkansas that trains the employee in:

(i) Fundamental use of firearms training including firearm safety drills, tactics, and required qualification on an approved

course of fire;

(ii) Active shooter training;

(iii) Active shooter simulation scenarios;

(iv) Trauma care; and

(v) Defensive tactics;

(C) Shall complete annually an eight-hour training course at an accredited law enforcement training academy in Arkansas to include:

(i) On-site tactical drills;

(ii) School safety drills; and

(iii) Firearms qualification on an approved course of fire;

(D) Shall be licensed to carry a concealed handgun as authorized by § 5-73-301 et seq.;

(E) Shall successfully pass a medical physical examination;

(F) Shall maintain a valid Arkansas license to carry a concealed handgun; and

(G) Shall renew at least annually the contract with the school district to provide security under this section.

(b) A contract under this section shall be canceled if the person contracted to provide the security under this section no longer holds a valid Arkansas license to carry a concealed handgun.

(c)(1) A school district board of directors may enter into memorandums of understanding with other school districts regarding when, where, and under what circumstances the security officer of one (1) district may be present at school functions involving the other school district.

(2) The authorization to be a security officer for one (1) school district does not authorize the use of that security officer by another school district.

(d)(1) The decision of the superintendent or school district board of directors to cancel the security services contract is final and not subject to an appeal or a grievance hearing.

(2) The cancellation of an employee's supplemental security employment does not affect the employee's other employment with the district.

(e) A person contracted to provide security under this section shall undergo the standard psychological evaluation for law enforcement personnel

and shall be subject to a background check.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the safety of our schools is of paramount importance; that in some instances, the security of our schools should be increased if the school feels that its own security measures are lacking; and that this act is immediately necessary because the participating law enforcement academies who will conduct the training will need time to implement the curriculum before the next school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Lenderman