

HOUSE BILL 1751

By Byrd

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 49, Chapter 6, relative to the carrying
and possessing of firearms on certain property.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-815, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section "person" means a school board member, trustee, administrator, employee, independent contractor, volunteer, or other person affiliated with a public or private K-12 school.

(b) In addition to persons who are authorized to possess a firearm on school property under another provision of law, an LEA and the board of directors of a private school may authorize any qualified person to carry a handgun on the grounds of, or in the various buildings of the school or schools with which the person is affiliated. If an LEA or the board of directors of a private school permits the carrying of a handgun on the property of a public or private school, it shall also determine if the permitted method of carry is open carry, concealed carry, or both.

(c) An LEA and the board of directors of a private school may also approve any person to carry a handgun on property or in vehicles owned or operated by the school and at other locations within the control of the LEA or private school while the location or vehicle is being used by the school for educational, recreational, athletic, or other purposes.

(d)

(1) If students are traveling in a school or private vehicle for a school-related activity that is located outside the jurisdiction of the LEA, the director of the public school LEA may contact the director of the destination public school LEA, or board of directors of the destination private school, to request permission to allow the persons authorized to carry a handgun during the course of traveling to and from the public or private school activity, and during the school activity. If the director of the destination LEA or board of directors of the destination private school approves the request, the director of schools of the requesting LEA shall transmit a list of all people who will be authorized to carry a firearm for that particular school activity.

(2) The board of directors of a private school may seek permission from a destination private school or destination public school to allow an authorized person affiliated with the requesting private school to carry a handgun while involved in a school activity on property owned or operated by the destination public school or private school in the same manner as provided in subdivision (d)(1) for public schools.

(e) To qualify to carry a handgun pursuant to this section, the person shall:

(1) Notify the principal of the school and the LEA's director of schools for public schools, or the chief administrative officer and board of directors of the private school, of the person's desire to carry a handgun in, or on the property of, a public or private school;

(2) Have, at the time of notification, a valid handgun carry permit issued by the state of Tennessee pursuant to § 39-17-1351;

(3) Not be prohibited from carrying a firearm under state or federal law;
and

(4) Have successfully completed any additional training designed and required by the LEA of the public school or board of directors of the private

school that may include school training, tactical training, and active shooter training.

(f) The cost of the handgun carry permit, any additional training, and the handgun and ammunition the person will be using, shall be at the expense of the person who has been authorized to carry a handgun according to this section. The LEA of a public school and the board of directors of a private school assume no financial responsibility for a firearm possessed by a person pursuant to this section. Nothing in this subsection shall be construed as prohibiting an LEA of a public school or board of directors of a private school from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

(g) For the safety of law enforcement officers, other first responders, the faculty and staff, and the person carrying the handgun pursuant to this section, the administrative head of each public or private school authorizing the carrying of handguns under this section shall compile a list of each person qualified and authorized to carry a handgun on the property of the public school or private school and transmit the list to the appropriate law enforcement agency.

(h) Nothing in § 49-3-315 shall be construed to 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.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.