

1 State of Arkansas *As Engrossed: H2/12/13 H2/15/13 H2/20/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1231

4

5 By: Representatives Lenderman, *Alexander, Ballinger, Baltz, Branscum, Copenhaver, D. Douglas,*

6 *Hawthorne, Holcomb, Magie, McCrary, T. Thompson, W. Wagner, Wardlaw, Wren*

7 *By: Senator R. Thompson*

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For An Act To Be Entitled

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

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14

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Subtitle

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CONCERNING SCHOOL SECURITY AND SCHOOL

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CRISIS RESPONSE TRAINING; TO DECLARE AN

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EMERGENCY.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) On a monthly basis;

14 (ii) Outside of the normal employment contract; and

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

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

22 (i) The remainder of the contract term; or

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

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

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

31 (A) May carry a firearm on school property;

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

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

1 course of fire;

2 (ii) Active shooter training;

3 (iii) Active shooter simulation scenarios;

4 (iv) Trauma care; and

5 (v) Defensive tactics;

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

8 (i) On-site tactical drills;

9 (ii) School safety drills; and

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

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

14 (E) Shall successfully pass a medical physical
15 examination;

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

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

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

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

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

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

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

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

1 and shall be subject to a background check.

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

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

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

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

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20 /s/Lenderman
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