

AN ACT relating to school safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 527.070 is amended to read as follows:

- (1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.
- (2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL
PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE
BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A
TEN THOUSAND DOLLAR (\$10,000) FINE.

Failure to post the sign shall not relieve any person of liability under this section.

- (3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:
 - (a) An adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person

- acting with expressed or implied consent of the adult, while the vehicle is on school property;
- (b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;
 - (c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;
 - (d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;
 - (e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;
 - (f) **Persons appointed as school marshals under Section 2 of this Act,**~~Any other persons, including, but not limited to,~~ exhibitors of historical displays, **or any other persons** who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;
 - (g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;
 - (h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or

- (i) A person possessing guns or knives when conducting or attending a "gun and knife show" when the program has been approved by the board of education or board of trustees of the educational institution.
- (4) Unlawful possession of a weapon on school property is a Class D felony.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO READ AS FOLLOWS:

(1) The board of a local public school district or governing body of a private or parochial school may appoint any person who meets the requirements provided under subsection (3) of this section to possess, transport, deposit, or carry a firearm in any public or private school building on any public or private school campus owned, used, or operated by the board or governing body.

(2) Any person appointed to possess, transport, deposit, or carry a firearm as provided in subsection (1) of this section shall be deemed a "school marshal." Pursuant to this section, a school marshal shall be authorized to:

(a) Make a citizen's arrest pursuant to KRS 431.005(6); and

(b) Possess, carry, transport, or use a firearm on school property for the protection of a third person from imminent death or serious physical injury or for the deposit or removal of a firearm from school property.

The provisions of paragraphs (a) and (b) of this subsection shall not apply to any person appointed as a school marshal who is also certified to act as a peace officer under KRS 15.380.

(3) No person shall be authorized to act as a school marshal unless he or she:

(a) Is an employee in good standing of a local public school district or private or parochial school;

(b) Is eligible for and a holder of a license to carry a concealed deadly weapon pursuant to KRS 237.110; and

(c) Meets any additional eligibility requirements required under federal, state,

or local law, or by administrative regulations promulgated by a board of a local public school district or private or parochial school.

No more than one (1) school marshal may be appointed by a board or governing body per four hundred (400) students and staff in average daily attendance at a school site.

(4) Prior to authorizing the appointment of a school marshal at a school site, the board of a local public school district or the governing body of a private or parochial school shall require that the school marshal and school administrators at the designated school site collaborate with the Kentucky State Police and local law enforcement to:

(a) Create and enact an action plan specific to that school site as a part of the Kentucky State Police active school shooter safety program or any comparable program offered by the Kentucky State Police or a local law enforcement agency;

(b) Solicit recommendations regarding the appropriate placement of a locked and secured site for the storage and deposit of firearms and ammunition on school property as required by subsection (5) of this section;

(c) Devise strategies to help state and local law enforcement identify the school marshal if law enforcement is called to the school site in response to an active shooter situation; and

(d) Implement any additional protocols as necessary for the deterrence of physical threat and defense of the school, its staff, and members of the public on school property, against violent attack.

(5) No board of a local public school district or the governing body of a private or parochial school shall authorize the appointment of a school marshal unless:

(a) The requirements of subsection (4) of this section have been met;

(b) The school board or governing body has provided state and local law

enforcement with the identification of the authorized school marshal for the purpose of implementing paragraph (c) of subsection (4) of this section; and

(c) The school has identified a site for the storage of a firearm and ammunition that is:

1. Capable of being locked and secured; and

2. Permanently affixed to school property.

(6) Except for acts of gross negligence or willful or wanton misconduct, a board or governing body that appoints a school marshal pursuant to this section shall be immune from civil liability for any acts or omissions arising from the implementation of this section.

(7) The possession, transport, deposit, or carrying of a firearm on school property by a school marshal shall be subject to the following restrictions:

(a) Unless exempt under subsection (2) of this section or Section 1 of this Act, a school marshal shall not carry a firearm on his or her person but shall keep the firearm in a locked and secured area readily accessible to the marshal when he or she is on school property;

(b) Any firearm allowed on school property pursuant to this section shall be limited to the caliber of handgun or service pistol used by the local law enforcement or police of the jurisdiction in which the designated school site is located; and

(c) Any firearm carried by or within access of a school marshal shall be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

(8) Except for acts of gross negligence or willful or wanton misconduct, a school marshal who acts in good faith during the course of his or her duties as provided in this section shall be immune from civil liability arising from any act or

omission undertaken pursuant to subsection (2) of this section.

(9) A school marshal shall be responsible for the purchase of the firearm, ammunition, any expenditures related to the placement of a locked and secured area for the firearm while on the school site, and any other associated costs. A school marshal shall not be compensated for purchases made pursuant to his or her appointment as a school marshal or his or her time or service as a school marshal, except that the board of a local public school district or the governing body of a private or parochial school may provide payment to a school marshal of any reasonable and necessary expenses incurred relating to complying with the provisions of this section.

(10) Nothing in this section shall be construed to restrict the otherwise lawful possession, transport, deposit, or carrying, whether open or concealed, of firearms on school property as provided under Section 1 of this Act or any applicable state or federal law.

(11) The provisions of this section shall not apply to institutions of postsecondary or higher education.

(12) A board of a local public school district or governing body of a private or parochial school that chooses to appoint a school marshal shall adopt guidelines necessary to carry out the provisions of this section.