

HOUSE BILL 7043

By Barrett

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13 and Title 49, relative to school safety.

WHEREAS, the safety of Tennessee students, teachers, substitute teachers, parents, and staff is paramount; and

WHEREAS, the General Assembly embraces its responsibility as a shepherd of the safety of Tennessee's students, teachers, substitute teachers, parents, and staff and intends to implement policies to ensure their safety; and

WHEREAS, the General Assembly appropriated \$140,000,000 for funding grants to local law enforcement entities for the purpose of placing one full-time, POST-certified school resource officer in each public school; and

WHEREAS, the General Assembly intends to protect Tennessee students, teachers, parents, and staff and prevent, discourage, and stop future violent attacks on Tennessee schools; and

WHEREAS, it is the legislative intent to ensure that any future attempt by a violent criminal can be stopped immediately; and

WHEREAS, no school should be left vulnerable and defenseless against a violent attack; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1309(e), is amended by adding the following as a new subdivision:

(14)

(A) Persons authorized to carry a handgun pursuant to § 39-17-1351, unless the board of education, school, college, or university board of trustees, regents, or directors provides armed security on the school property and the person authorized to carry a handgun pursuant to § 39-17-1351 knows that the respective school provides armed security on the school property; provided, that the person carrying a handgun pursuant to this subdivision (e)(14) keeps the handgun concealed on their person and secure from unauthorized access at all times;

(B) As used in this subdivision (e)(14), "armed security" means any of the following persons who lawfully possess and carry a firearm on school property:

(i) A school resource officer as defined in § 49-6-4202;

(ii) A law enforcement officer;

(iii) A registered security guard/officer who meets the requirements of title 62, chapter 35; or

(iv) An armed school security officer pursuant to § 49-6-809.

SECTION 2. Tennessee Code Annotated, Section 39-17-1309(e)(4), is amended by deleting "when in the discharge of their official duties".

SECTION 3. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subdivision (c)(1).

SECTION 4. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (e) and substituting:

(e)

(1) Except as provided in subdivision (e)(2), in counties having a population of not less than thirty thousand two hundred (30,200) nor more than thirty thousand four hundred seventy-five (30,475) or not less than one hundred

eighteen thousand four hundred (118,400) nor more than one hundred eighteen thousand seven hundred (118,700), according to the 1990 federal census or any subsequent federal census, the authority conferred by this section shall only apply to law enforcement officers who are law enforcement officers for those counties or law enforcement officers for municipalities located therein.

(2) Subdivision (e)(1) does not apply if the law enforcement officer is on school grounds or inside a school building.

SECTION 5. Tennessee Code Annotated, Section 39-17-1350, is amended by adding the following as a new subsection:

Notwithstanding another law to the contrary, a community corrections officer who holds a valid Tennessee enhanced handgun carry permit, issued pursuant to § 39-17-1351, may carry a handgun at all times on school grounds and inside school buildings in Tennessee while in the course of employment and engaged in the actual discharge of official duties, except as provided by federal law or lawful orders of court.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

Notwithstanding § 49-6-815, an LEA that does not provide armed security, as defined in § 39-17-1309(e)(14), shall not prohibit the LEA's employees or contractors from possessing and carrying a handgun on school grounds in accordance with § 39-17-1309(e)(14).

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

A public institution of higher education that does not provide armed security, as defined in § 39-17-1309(e)(14), shall not prohibit the public institution's employees or

contractors from possessing and carrying a handgun on the institution's property in accordance with § 39-17-1309(e)(14).

SECTION 8. Tennessee Code Annotated, Section 49-7-161, is amended by adding the following as a new subsection:

Notwithstanding this section to the contrary, a board or governing entity of a private institution of higher education, whether for-profit or nonprofit, or a chief administrative officer if the institution does not have a board or governing entity, that does not provide armed security, as defined in § 39-17-1309(e)(14), shall not prohibit the institution's employees or contractors from possessing and carrying a handgun on the institution's property in accordance with § 39-17-1309(e)(14).

SECTION 9. Tennessee Code Annotated, Section 49-50-803, is amended by adding the following as a new subsection:

Notwithstanding this section to the contrary, a board or governing entity of each private K-12 school, or a chief administrative officer if the school does not have a board or governing entity, that does not provide armed security as defined in § 39-17-1309(e)(14) shall not prohibit the school's employees or contractors from possessing and carrying a handgun on the school's property in accordance with § 39-17-1309(e)(14).

SECTION 10. This act takes effect October 1, 2023, the public welfare requiring it.