An Act to Allow Certain School Employees to Carry Firearms on School Property

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Presented by Representative FOSTER of Dexter.
Cosponsored by Senator HARRINGTON of York and Representatives: COSTAIN of Plymouth, PERKINS of Dover-Foxcroft.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6552, sub-§2, as repealed and replaced by PL 2009, c. 614, §3, is amended to read:

2. Exceptions. The provisions under subsection 1 do not apply to the following:

A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.

B. The prohibition on the possession of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:

(1) A person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and

(2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:

(a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;

(b) Takes place outside of regular school hours; and

(c) Is authorized by the school board.

C. The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging a firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body.

D. A school employee who has successfully completed certification and training prescribed by the Board of Trustees of the Maine Criminal Justice Academy under Title 25, section 2803-A, subsection 8-E and has been authorized by the school board to possess or discharge a firearm for the purpose of enhancing the safety and security of the school and in defense of students, staff and members of the public on the school premises. A school employee is not authorized to exercise law enforcement powers as described in Title 34-A, section 3011.

For purposes of this paragraph, a school board may establish a certification standard and a training program to arm and supervise certain school employees in a manner and according to protocols as the school board determines. A school board in implementing the provisions of this paragraph may not arm a school employee without the school employee's voluntary consent. A school employee may not be censured, criticized or discriminated against for unwillingness or refusal to carry a firearm pursuant to this paragraph.

Sec. 2. 25 MRSA §2803-A, sub-§8-E is enacted to read:

8-E. Training of school employees. To establish certification standards and a training program for school employees authorized to possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of public
school property or the property of an approved private school pursuant to Title 20-A, section 6552, subsection 2, paragraph D. The training program must include:

   A. A firearms training component prescribed by the Maine Criminal Justice Academy that is equivalent to a firearms training program required for preservice law enforcement certification; and

   B. A basic school crisis management training component developed by the Department of Education and approved by the board that is specific to the duties of a school employee authorized to possess and discharge a firearm under Title 20-A, section 6552, subsection 2, paragraph D.

A school employee shall satisfactorily maintain competency in firearm use as determined by the board and participate in regular school crisis management training as determined by the Department of Education as conditions of continued certification under this subsection.

For purposes of this subsection, "approved private school" has the same meaning as in Title 20-A, section 1, subsection 2;

SUMMARY

This bill exempts a school employee from the prohibition on possessing a firearm on public school property or the property of an approved private school or discharging a firearm within 500 feet of public school property or the property of an approved private school if the school employee has successfully completed certification and training prescribed by the Board of Trustees of the Maine Criminal Justice Academy and has been authorized by the school board to possess or discharge a firearm for the purpose of enhancing the safety and security of the school and in defense of students, staff and members of the public on the school premises. The bill provides that the school employee is not authorized to exercise law enforcement powers.

The bill allows a school board to establish a certification standard and a training program to arm and supervise certain school employees in a manner and according to protocols as the school board determines. The bill specifies that a school board may not arm a school employee without the employee's voluntary consent and a school employee may not be censured or discriminated against for unwillingness or refusal to carry a firearm.