

2018 Regular Session

SENATE BILL NO. 406

BY SENATOR RISER

WEAPONS. To allow certain teachers and parents who are active duty or retired police officers, veterans, active duty military personnel, or reservists who are concealed weapons permittees to enter into agreements with the principal to secure the school. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 14:95(A)(5)(b) and 95.2(C) and R.S. 17:416.16(A)(1) and (E)

3 and 416.19(A) and to enact R.S. 17:416.19(D) and (E), relative to school safety; to

4 provide for certain parents and retired teachers to serve as school security guards; to

5 provide for certain retired law enforcement officers, peace officers, and veterans, or

6 active duty military or reservists to serve as school security guards; to provide for

7 requirements; to provide for school crisis management plans; and to provide for

8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:95(A)(5)(b) and 95.2(C) are hereby amended and reenacted to

11 read as follows:

12 §95. Illegal carrying of weapons

13 A. Illegal carrying of weapons is:

14 \* \* \*

15 (5) \* \* \*

16 (b) The provisions of this Paragraph shall not apply to:

17 (i) A peace officer as defined by R.S. 14:30(B) in the performance of his

1 official duties or who is authorized by the principal for the safety and security  
2 of the school campus, whether or not the peace officer is compensated or  
3 volunteers his services.

4 (ii) A school official, **principal**, or employee acting during the normal course  
5 of his employment or a student acting under the direction of such school official,  
6 **principal**, or employee.

7 (iii) Any retired teacher or parent who is a veteran, active duty military  
8 personnel, or reservist and who has a valid concealed handgun permit and who  
9 has permission of the principal for the safety and security of the school campus,  
10 whether or not the veteran, active duty military personnel, or reservist is  
11 compensated or volunteers his services.

12 (iv) Any person having the written permission of the principal or school  
13 board and engaged in competition or in marksmanship or safety instruction.

14 \* \* \*

15 §95.2. Carrying a firearm, or dangerous weapon, by a student or nonstudent on  
16 school property, at school-sponsored functions or firearm-free zone

17 \* \* \*

18 C. The provisions of this Section shall not apply to:

19 (1) A federal law enforcement officer or a Louisiana-commissioned state, or  
20 local Post Certified law enforcement officer, whether the officer is active duty or  
21 retired and whether he is compensated or volunteers his services, who is  
22 authorized to carry a firearm.

23 (2) A school official, **principal**, or employee acting during the normal course  
24 of his employment or a student acting under the direction of such school official or  
25 employee.

26 (3) A retired teacher or parent, whether compensated or volunteers his  
27 services, who meets all of the following requirements:

28 (a) Is a veteran or military reservist.

29 (b) Possesses a valid concealed handgun permit.



1 also address the management of any other emergency situation.

2 \* \* \*

3 E. If a school has a resource officer **or school security guard**, as authorized  
4 in R.S. 17:416.19<sub>2</sub> or a Junior Reserve Officer Training Corps instructor, he shall join  
5 the principal and local law enforcement, fire, public safety, and emergency  
6 preparedness officials in preparing the plan and participate in any review or revision  
7 of the plan.

8 \* \* \*

9 **§416.19. School resource officers; school security guards**

10 A. Any city, parish, or other local public school system and any nonpublic  
11 school may make or enter into agreements with a local law enforcement agency to  
12 provide for school resource officers **or agreements with active duty or retired**  
13 **peace officers to serve as school security guards, whether compensated or**  
14 **volunteers**. Any city, parish, or other local public school system and any nonpublic  
15 school shall ensure that any school resource officer provided by a local law  
16 enforcement agency as provided in this Section is in compliance with the provisions  
17 of Subsection B of this Section.

18 \* \* \*

19 **D. Active duty or retired peace officers serving as school security guards**  
20 **shall meet all the annual requirements for training and competency in order to**  
21 **maintain a valid concealed handgun permit.**

22 **E. An individual who meets the requirements of R.S. 14:2(C)(3) may**  
23 **enter into an agreement with the principal to serve as a school security guard**  
24 **so long as he meets all the annual requirements for training and competency in**  
25 **order to maintain a valid concealed handgun permit.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 406 Original 2018 Regular Session Riser

Present law provides for the crime of carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone.

Present law provides exemptions to the following persons who allowed to carry a firearm or dangerous weapon on school campus:

- (1) A federal law enforcement officer or a Louisiana-commissioned state, or local POST Certified law enforcement officer.
- (2) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
- (3) Any person having the written permission of the principal.
- (4) A public postsecondary education institution is leased to a nonprofit corporation or association for the purpose of holding a fundraising event, the lease may authorize and provide for the auction and sale of firearms at the event.
- (5) The possession of a firearm occurring within 1,000 feet of school property and entirely on private property, or entirely within a private residence, or in accordance with a concealed handgun permit issued pursuant to present law.
- (6) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
- (7) Any student carrying a firearm to or from a class, in which he is duly enrolled, that requires the use of the firearm in the class.
- (8) A student enrolled or participating in an activity requiring the use of a firearm including but not limited to any ROTC function under the authorization of a university.
- (9) A student who possesses a firearm in his dormitory room or while going to or from his vehicle or any other person with permission of the administration.

Present law provides that a federal law enforcement officer or a Louisiana-commissioned state, or local POST Certified law enforcement officer.

Proposed law clarifies that a federal law or La.-commissioned law enforcement agent is allowed to carry a weapon on campus, whether the officer is active duty or retired and whether he is compensated or volunteers his services.

Present law provides that school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.

Proposed law clarifies that a school official specifically includes the principal who is acting during the normal course of his employment.

Proposed law adds any retired teacher or parent, whether compensated or volunteers his services, to carry a weapon on campus if he meets all of the following requirements:

- (1) Is a veteran, military personnel, or a reservist.
- (2) Possesses a valid concealed handgun permit.
- (3) Has been given written permission by the principal for the safety and security of the students and faculty.

Present law provides that every school must have a "crisis management and response plan" which means a plan to do the following:

- (1) Address school safety and to be prepared if the incidence of a shooting or other violence takes place at schools, on school buses, and at school-related activities.
- (2) To respond effectively to violent incidents.
- (3) To insure that every student, teacher, and school employee has access to a safe, secure, and orderly school that is conducive to learning.

Present law further provides that, if a school has a resource officer or a Junior Reserve Officer Training Corps instructor on staff, those individuals shall join the principal and local law enforcement, fire, public safety, and emergency preparedness officials in preparing the plan and participate in any review or revision of the plan.

Present law provides that any city, parish, or other local public school system and any nonpublic school may make or enter into agreements with a local law enforcement agency to provide for school resource officers.

Proposed law retains present law but adds school security guards to the list of persons who may enter into an agreement with the principal to assist the principal in protecting the school.

Proposed law provides that an active duty or retired peace officer may enter into an agreement with the principal to serve as a school security guard so long as he meets all the annual requirements for training and competency in order to maintain a valid concealed handgun permit.

Proposed law provides that any retired teacher or parent, whether compensated or volunteers his services, may enter into an agreement to serve as a school security guard so long as he meets all of the following requirements:

- (1) Is a veteran or military reservist.
- (2) Meets all the annual requirements for training and competency in order to maintain a valid concealed handgun permit.
- (3) Has been given written permission or enters into a written agreement with the principal for the safety and security of the students and faculty.

Effective August 1, 2018.

(Amends R.S. 14:95(A)(5)(b) and 95.2(C) and R.S. 17:416.16(A)(1) and (E) and 416.19(A); adds R.S. 17:416.19(D) and (E))