

HOUSE BILL 1899

By Rudd

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 37; Title 38; Title 49 and Title 62, relative to  
school safety.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-4202, is amended by deleting subdivision (6) and substituting instead the following:

(6) "School resource officer" means:

(A) A law enforcement officer, as defined in § 39-11-106, who is in compliance with all laws, rules, and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA;

(B) A retired law enforcement officer who has been assigned to a public school by the director of schools or by the director of the public charter school; or

(C) An honorably discharged veteran of the United States armed forces who has been assigned to a public school by the director of schools or by the director of the public charter school;

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 42, is amended by adding the following as a new section:

(a) LEAs and public charter schools may employ a school resource officer, as defined in § 49-6-4202(6)(B) or (C), to provide security on school premises.

(b)

(1) Each local board of education and public charter school governing body that intends to employ a school resource officer, as defined in § 49-6-4202(6)(B) or (C), shall adopt a policy that outlines the duties, responsibilities, and authority of a school resource officer, as defined in § 49-6-4202(6)(B) or (C), including any limitations on such a school resource officer's authority.

(2) Each policy must ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g); § 10-7-504; the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

SECTION 3. Tennessee Code Annotated, Section 49-6-815(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106, and be in compliance with all laws, rules, and regulations of the peace officer standards and training (POST) commission, and have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training shall be approved by the LEA and the cost of the training, firearm, and ammunition shall be at the expense of the person seeking authorization and not the LEA; or

(B) Be a school resource officer, as defined in § 49-6-4202(6)(B) or (C), who:

(i) Has successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training must be approved by the LEA or public charter school and the cost of the training,

firearm, and ammunition is at the expense of the person seeking authorization and not the LEA or public charter school;

(ii) Has the written authorization of the chief of the appropriate law enforcement agency to carry or possess a firearm on school grounds;

(iii) Is not prohibited from purchasing, possessing, or carrying a handgun under the laws of this state or federal law, as determined by a background check. The person seeking authorization must submit two (2) full sets of classifiable fingerprints to the law enforcement agency from which the person is seeking written authorization under subdivision (b)(3)(B)(ii). The agency must submit the fingerprints to the Tennessee bureau of investigation. Upon its receipt of the fingerprints from the agency, the Tennessee bureau of investigation shall:

(a) Within thirty (30) days, conduct computer searches to determine the person's eligibility to purchase, possess, or carry a handgun as are available to the bureau based solely upon the person's name, date of birth, and social security number, and send the results of the searches to the submitting agency;

(b) Conduct a criminal history records check using one (1) set of the fingerprints received by the bureau, and send the results of the criminal history records check to the submitting agency; and

(c)

(1) Send one (1) set of the fingerprints received from the submitting agency to the federal bureau of investigation;

(2) Request a federal criminal history records check from the federal bureau of investigation using the set of fingerprints submitted, if the service is available; and

(3) Send the results of the federal criminal history records check, if available, to the submitting agency; and

(iv) Has been certified by a Tennessee licensed healthcare provider, who is qualified in the psychiatric or psychological field and who contracts with the authorizing law enforcement agency, as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the person's ability to safely carry or possess a firearm on the grounds of a school.

SECTION 4. Tennessee Code Annotated, Section 37-1-131(a)(2)(F), is amended by deleting the language "school resource officer" and substituting instead the language "school resource officer, as defined in § 49-6-4202(6)(A)".

SECTION 5. Tennessee Code Annotated, Section 37-1-131(c)(5), is amended by deleting the language "school resource officer" and substituting instead the language "school resource officer, as defined in § 49-6-4202(6)(A)".

SECTION 6. Tennessee Code Annotated, Section 49-6-3051(d), is amended by deleting the language "school resource officer" and substituting instead the language "school resource officer, as defined in § 49-6-4202(6)(A)".

SECTION 7. Tennessee Code Annotated, Section 49-10-1304(h), is amended by deleting subdivision (3) and substituting instead the following:

(3) A school resource officer, as defined in § 49-6-4202(6)(A), may, upon witnessing an offense, take the student into custody.

SECTION 8. Tennessee Code Annotated, Section 49-6-4202, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Retired law enforcement officer" means an individual who is no more than seven (7) years retired from service as a law enforcement officer, as defined in § 39-11-106, from a federal, state, or local law enforcement agency;

SECTION 9. Tennessee Code Annotated, Section 38-8-104, is amended by adding the following as a new subsection:

( ) Notwithstanding another law to the contrary, the commission shall waive the requirement that a law enforcement officer be employed by a law enforcement agency in order to receive the basic training in school policing required for school resource officers pursuant to § 49-6-4217 so that school resource officers, as defined in § 49-6-4202(6)(B) or (C), who have been assigned to a public school by the director of schools or the director of the public charter school may receive the training.

SECTION 10. Tennessee Code Annotated, Section 62-35-103(a), is amended by adding the following as a new subdivision:

( ) A school resource officer, as defined in § 49-6-4202.

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it.