

SENATE BILL NO. 399

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1346S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.665 and 590.207, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary school safety, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.665 and 590.207, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 160.665 and 590.207, to read as follows:

160.665. 1. **(1) This section shall be known and may be cited as the "Keep Our Schools Safe Act".**

(2) As used in this section, the following terms mean:

(a) "Law enforcement officer", any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States. The term "law enforcement officer" shall specifically include, but not be limited to, members of the following:

a. The National Guard as defined in 10 U.S.C. Section 101, as amended;

b. The organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 the National Guard as defined in 10 U.S.C. Section 101, as
19 amended; and

20 c. The Armed Forces of the United States;

21 (b) "School building", any facility owned or leased by
22 a school district:

23 a. Over which the school board of the school district
24 has care, custody, or control; and

25 b. In which any pupils are physically present during a
26 school day, as such term is defined in section 160.041;

27 (c) "School protection officer", any elementary or
28 secondary school teacher or administrator designated by a
29 school district to serve as a school protection officer
30 under this section and sections 590.200 to 590.207, or any
31 individual who is a volunteer as provided in this section;

32 (d) "Volunteer", any individual who:

33 a. Was formerly employed as a law enforcement officer
34 but who has retired from such employment;

35 b. Is qualified as a school protection officer under
36 sections 590.200 to 590.207; and

37 c. Serves or will serve a school district as a school
38 protection officer on a paid or unpaid basis but not as an
39 employee of the school district.

40 2. Any school district within the state may designate
41 one or more [elementary or secondary school teachers or
42 administrators as a] school protection [officer] officers in
43 each of the district's school buildings. A school
44 protection officer may be a teacher or administrator as
45 provided in this section or may be a volunteer. If a school
46 protection officer is a teacher or administrator, the
47 responsibilities and duties of a school protection officer
48 are voluntary and shall be in addition to the normal
49 responsibilities and duties of the teacher or

50 administrator. **If the school protection officer is a**
51 **volunteer, the individual may serve on an unpaid basis or**
52 **may be provided compensation by the school district.** Any
53 compensation for [additional] duties relating to service as
54 a school protection officer shall be funded by the local
55 school district, with no state funds used for such purpose.

56 [2.] 3. Any [person] **individual** designated by a school
57 district as a school protection officer shall [be authorized
58 to] carry a concealed [firearms or] **firearm and** a self-
59 defense spray device in any school in the district. A self-
60 defense spray device shall mean any device that is capable
61 of carrying, and that ejects, releases, or emits, a
62 nonlethal solution capable of incapacitating a violent
63 threat. The school protection officer shall not be
64 permitted to allow any firearm or device out of [his or her]
65 **the officer's** personal control while that firearm or device
66 is on school property. Any school protection officer who
67 violates this subsection may be removed immediately from the
68 [classroom] **building** and subject to employment termination
69 proceedings **if the officer is a teacher or administrator, or**
70 **subject to removal from the building and dismissal as a**
71 **volunteer if serving as a volunteer school protection**
72 **officer.**

73 [3.] 4. A school protection officer has the same
74 authority to detain or use force against any person on
75 school property as provided to any other person under
76 chapter 563.

77 [4.] Upon detention of a person under **this** subsection
78 [3 of this section], the school protection officer shall
79 immediately notify a school administrator and a school
80 resource officer, if such officer is present at the school.
81 If the person detained is a student then the parents or

82 guardians of the student shall also be immediately notified
83 by a school administrator.

84 5. Any person detained by a school protection officer
85 shall be turned over to a school administrator or law
86 enforcement officer as soon as practically possible and
87 shall not be detained by a school protection officer for
88 more than one hour.

89 6. Any teacher or administrator of an elementary or
90 secondary school who seeks to be designated as a school
91 protection officer shall request such designation in
92 writing, and submit it to the superintendent of the school
93 district which employs [him or her] **such individual** as a
94 teacher or administrator. Along with this request, any
95 teacher or administrator seeking to carry a concealed
96 firearm on school property shall also submit proof that [he
97 or she] **such individual** has a valid concealed carry
98 endorsement or permit, and all teachers and administrators
99 seeking the designation of school protection officer shall
100 submit a certificate of school protection officer training
101 program completion from a training program approved by the
102 director of the department of public safety which
103 demonstrates that such person has successfully completed the
104 training requirements established by the POST commission
105 under chapter 590 for school protection officers.

106 7. No school district [may] **shall** designate [a teacher
107 or administrator] **any individual** as a school protection
108 officer unless such person has successfully completed a
109 school protection officer training program[, which] **that** has
110 been approved by the director of the department of public
111 safety. No school district shall allow a school protection
112 officer to carry a concealed firearm on school property

113 unless the school protection officer has a valid concealed
114 carry endorsement or permit.

115 8. **(1)** Any school district that designates a [teacher
116 or administrator as a] school protection officer shall,
117 within thirty days **of such designation**, notify[,] in
118 writing[,] the director of the department of public safety
119 of the designation, which shall include the following:

120 [(1)] **(a)** The full name, date of birth, and address of
121 the officer;

122 [(2)] **(b)** The name of the school district; and

123 [(3)] **(c)** The date such person was designated as a
124 school protection officer.

125 **(2)** Notwithstanding any other provisions of law to the
126 contrary, any identifying information collected under the
127 authority of this subsection shall not be considered public
128 information and shall not be subject to a request for public
129 records made under chapter 610.

130 9. A school district may revoke the designation of [a
131 person] **an individual** as a school protection officer for any
132 reason and shall immediately notify the designated school
133 protection officer in writing of the revocation. The school
134 district shall also within thirty days of the revocation
135 notify the director of the department of public safety in
136 writing of the revocation of the designation of such
137 [person] **individual** as a school protection officer. [A
138 person] **An individual** who has had the designation of school
139 protection officer revoked has no right to appeal the
140 revocation decision.

141 10. The director of the department of public safety
142 shall maintain a listing of all [persons] **individuals**
143 designated by school districts as school protection officers

144 and shall make this list available to all law enforcement
145 agencies.

146 11. Before a school district may designate a [teacher
147 or administrator as a] school protection officer, the school
148 board shall hold a public hearing on whether to allow such
149 designation. Notice of the hearing shall be published at
150 least fifteen days before the date of the hearing in a
151 newspaper of general circulation within the city or county
152 in which the school district is located. The board may
153 determine at a closed meeting, as "closed meeting" is
154 defined under section 610.010, whether to authorize the
155 [designated school protection officer to carry a concealed
156 firearm or a self-defense spray device] **individual to serve**
157 **the school district as a school protection officer.**

590.207. Notwithstanding any other provision of law to
2 the contrary, any person designated as a school protection
3 officer under the provisions of section 160.665 who allows
4 any such firearm out of [his or her] **such officer's** personal
5 control while that firearm is on school property as provided
6 under [subsection 2 of] section 160.665 shall be guilty of a
7 class B misdemeanor and may be subject to employment
8 termination proceedings within the school district **if such**
9 **school protection officer is an elementary or secondary**
10 **school teacher or administrator or dismissal if such school**
11 **protection officer is a volunteer under section 160.665.**

✓