

SECOND REGULAR SESSION

HOUSE BILL NO. 1961

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

4655H.011

DANA RADEMAN MILLER, Chief Clerk

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.

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Section A. Sections 160.665 and 590.207, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 160.665 and 590.207, to read as follows: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. 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 the National Guard as defined in 10 U.S.C. Section 101, as amended; and

c. The Armed Forces of the United States;

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

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

and

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

25 b. Is qualified as a school protection officer under sections 590.200 to 290.207; and

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

28 2. ~~[Any]~~ Each school district within the state ~~[may]~~ shall designate at least one ~~[or more]~~
29 elementary or secondary school teachers or administrators as a school protection officer in each
30 of the district's school buildings. A school protection officer may be a teacher or
31 administrator as provided in this section or may be a volunteer. If a school protection
32 officer is a teacher or administrator, the responsibilities and duties of a school protection
33 officer are voluntary and shall be in addition to the normal responsibilities and duties of the
34 teacher or administrator. If the school protection officer is a volunteer, the individual may
35 serve on an unpaid basis or may be provided compensation by the school district. Any
36 compensation for ~~[additional]~~ duties relating to service as a school protection officer shall be
37 funded by the local school district, with no state funds used for such purpose.

38 ~~[2.]~~ 3. Any ~~[person]~~ individual designated by a school district as a school protection
39 officer shall ~~[be authorized to]~~ carry a concealed ~~[firearms or]~~ firearm and a self-defense spray
40 device in any school in the district. A self-defense spray device shall mean any device that is
41 capable of carrying, and that ejects, releases, or emits, a nonlethal solution capable of
42 incapacitating a violent threat. The school protection officer shall not be permitted to allow any
43 firearm or device out of ~~[his or her]~~ the officer's personal control while that firearm or device
44 is on school property. Any school protection officer who violates this subsection may be
45 removed immediately from the ~~[classroom]~~ building and subject to employment termination
46 proceedings if the officer is a teacher or administrator, or subject to removal from the
47 building and dismissal as a volunteer if serving as a volunteer school protection officer.

48 ~~[3.]~~ 4. A school protection officer has the same authority to detain or use force against
49 any person on school property as provided to any other person under chapter 563.

50 ~~[4.]~~ Upon detention of a person under this subsection ~~[3 of this section]~~, the school
51 protection officer shall immediately notify a school administrator and a school resource officer,
52 if such officer is present at the school. If the person detained is a student then the parents or
53 guardians of the student shall also be immediately notified by a school administrator.

54 5. Any person detained by a school protection officer shall be turned over to a school
55 administrator or law enforcement officer as soon as practically possible and shall not be detained
56 by a school protection officer for more than one hour.

57 6. Any teacher or administrator of an elementary or secondary school who seeks to be
58 designated as a school protection officer shall request such designation in writing, and submit
59 it to the superintendent of the school district which employs ~~[him or her]~~ **such individual** as a
60 teacher or administrator. Along with this request, any teacher or administrator seeking to carry
61 a concealed firearm on school property shall also submit proof that ~~[he or she]~~ **such individual**
62 has a valid concealed carry endorsement or permit, and all teachers and administrators seeking
63 the designation of school protection officer shall submit a certificate of school protection officer
64 training program completion from a training program approved by the director of the department
65 of public safety which demonstrates that such person has successfully completed the training
66 requirements established by the POST commission under chapter 590 for school protection
67 officers.

68 7. No school district ~~[may]~~ **shall** designate ~~[a teacher or administrator]~~ **any individual**
69 as a school protection officer unless such person has successfully completed a school protection
70 officer training program~~[, which]~~ **that** has been approved by the director of the department of
71 public safety. No school district shall allow a school protection officer to carry a concealed
72 firearm on school property unless the school protection officer has a valid concealed carry
73 endorsement or permit.

74 8. **(1)** Any school district that designates a ~~[teacher or administrator as a]~~ school
75 protection officer shall, within thirty days **of such designation**, notify~~[,]~~ in writing~~[,]~~ the director
76 of the department of public safety of the designation, which shall include the following:

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

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

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

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

83 9. **(1)** A school district may revoke the designation of ~~[a person]~~ **an individual** as a
84 school protection officer for any reason and shall immediately notify the designated school
85 protection officer in writing of the revocation. **If a school district has revoked or plans to**
86 **revoke the designation of a current school protection officer, such school district shall**
87 **immediately designate and have present at the school a new school protection officer to**
88 **replace the individual whose designation is being revoked.** The school district shall also
89 within thirty days of the revocation notify the director of the department of public safety in

90 writing of the revocation of the designation of such ~~[person]~~ **individual** as a school protection
91 officer. ~~[A person]~~ **An individual** who has had the designation of school protection officer
92 revoked has no right to appeal the revocation decision.

93 **(2) Every school building shall have at least one school protection officer present**
94 **at each school building during normal school hours while students are present. Any**
95 **employee or administrator responsible for staffing buildings with school protection officers**
96 **who fails to ensure that every school building has at least one school protection officer**
97 **present during normal school hours while students are present may be subject to**
98 **employment termination proceedings.**

99 10. The director of the department of public safety shall maintain a listing of all
100 ~~[persons]~~ **individuals** designated by school districts as school protection officers and shall make
101 this list available to all law enforcement agencies.

102 11. Before a school district may designate a ~~[teacher or administrator as a]~~ school
103 protection officer, the school board shall hold a public hearing on whether to allow such
104 designation. Notice of the hearing shall be published at least fifteen days before the date of the
105 hearing in a newspaper of general circulation within the city or county in which the school
106 district is located. The board may determine at a closed meeting, as "closed meeting" is defined
107 under section 610.010, whether to authorize the ~~[designated school protection officer to carry a~~
108 ~~concealed firearm or a self-defense spray device]~~ **individual to serve the school district as a**
109 **school protection officer.**

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

✓