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3 HOUSE PS&HS SUBSTITUTE FOR HB435
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8 SYNOPSIS: This bill would authorize certain persons
9 employed by a state or local board of education to
10 carry a firearm on school premises.
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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 Relating to firearms and public K-12 education; to
17 authorize certain persons employed by a state or local board
18 of education to carry a firearm on school premises.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. For the purposes of this act, the
21 following terms shall have the following meanings:

22 (1) APPROVED PERSON. Any person employed by a state
23 or local board of education as a teacher or a school
24 administrator who meets the qualifications and conditions
25 contained in this act, and who upon recommendation of the
26 applicable school principal, the local superintendent, and the
27 chief law enforcement officer, has been approved by the local

1 board of education to carry, possess, store, or otherwise
2 control an authorized weapon on the premises of a public
3 school.

4 (2) AUTHORIZED WEAPON. Any pistol, rifle, shotgun,
5 firearm, or other weapon or tactical instrument approved and
6 authorized for use in accordance with the safety and training
7 requirements and the detailed crisis response and emergency
8 plan adopted and implemented for the public school.

9 (3) CHIEF LAW ENFORCEMENT OFFICER. The highest
10 ranking local law enforcement officer, either the county
11 sheriff or local chief of police, who has lawful jurisdiction
12 over the premises of the public school.

13 (4) PUBLIC SCHOOL. Any public K-12 school of this
14 state, or any subdivision thereof, including a school bus used
15 for grades K-12, including any subdivision thereof.

16 Section 2. Any provision of law to the contrary
17 notwithstanding and subject to the provisions of this act, any
18 approved person may carry, possess, store, or otherwise
19 control an authorized weapon while on the premises of a public
20 school, provided that all of the following conditions and
21 qualifications are satisfied:

22 (1) The person is neither a minor nor individually
23 disqualified or prohibited from possessing or controlling
24 firearms or other deadly weapons by applicable state or
25 federal law, including, but not limited to, subsections (a)
26 and (b) of Section 13A-11-72, Code of Alabama 1975, or by any

1 valid and applicable order of a court of competent
2 jurisdiction.

3 (2) The person has successfully completed all the
4 safety and training requirements established and approved by
5 the local superintendent, local board of education, and chief
6 law enforcement officer for such persons to be eligible to
7 carry, possess, store, or otherwise control specifically
8 authorized weapons on the premises of a public school.

9 (3) The public school has adopted and implemented,
10 by approval of the local superintendent, local board of
11 education, and chief law enforcement officer, a detailed
12 crisis response and emergency plan for the school that
13 includes a comprehensive plan of action for all school
14 personnel to follow, including any armed school personnel, in
15 the case of an emergency threatening the lives of students and
16 school personnel.

17 (4) The person is carrying, possessing, storing, or
18 otherwise controlling the authorized weapon in accordance with
19 the specified guidelines and rules adopted and approved by the
20 local superintendent, local board of education, and chief law
21 enforcement officer. The plans and guidelines shall specify
22 how and where authorized weapons may be stored, carried,
23 possessed, or controlled by authorized persons, and the
24 circumstances under which the authorized weapons may be used.

25 (5) The person is carrying, possessing, storing, or
26 otherwise controlling an authorized weapon for which the
27 person is specifically authorized to handle in accordance with

1 the safety and training requirements adopted and approved by
2 the local superintendent, local board of education, and chief
3 law enforcement officer.

4 (6) Any person authorized under this section to
5 possess and carry a pistol shall also possess a valid pistol
6 permit issued pursuant to Section 13A-11-75 or Section
7 13A-11-85, Code of Alabama 1975.

8 Section 3. (a) Any approval process by a local
9 superintendent, local board of education, and chief law
10 enforcement officer as provided in this act shall be
11 confidential and any necessary meetings shall be conducted in
12 executive session.

13 (b) Any safety and training requirements adopted by
14 a local superintendent, local board of education, and chief
15 law enforcement officer that would affect the eligibility of a
16 person to carry, possess, store, or otherwise control an
17 authorized weapon in accordance with this act shall, at a
18 minimum, include each of the following requirements:

19 (1) The successful completion of at least 40 hours
20 of annual training in courses of instruction approved by the
21 applicable chief law enforcement officer. The training shall
22 include, but not be limited to, instruction in firearms
23 safety, crisis management, active shooter training, and
24 hostile situations. The training may also include courses
25 containing instruction similar to or modeled after the Alabama
26 ALERRT program.

1 (2) Proof of annual successful firearms
2 qualification. The proof must be signed by a certified
3 firearms instructor showing the individual met or exceeded the
4 Alabama Peace Officers' Standards and Training Commission
5 firearms qualification requirements.

6 (3) Specific training and authorization for the
7 handling and use of each authorized weapon. For a person to be
8 eligible to store, carry, possess, or control an authorized
9 weapon, the person must have successfully completed all of the
10 safety and training requirements established for the
11 particular authorized weapon.

12 (4) A method for the chief law enforcement officer
13 to assess mental health or other firearm possession
14 disqualifications.

15 Section 4. (a) For the safety of public school
16 students and school personnel, law enforcement officers, and
17 other first responders, if a school has authorized any
18 approved persons to carry, possess, store, or otherwise
19 control any authorized weapons in accordance with this act,
20 the administrative head of each public school shall annually
21 compile a list of all persons authorized to carry, possess,
22 store, or otherwise control weapons on the premises of the
23 school and shall transmit the list to the chief law
24 enforcement officer and any other person identified in the
25 school crisis response and emergency plan as appropriate for
26 the safety and security of those involved. The list shall be

1 confidential, conspicuously marked as confidential, and not
2 further disclosed or made available for public inspection.

3 (b) The list compiled and transmitted pursuant to
4 subsection (a) shall be, within a reasonably expeditious time,
5 updated and retransmitted to all applicable persons anytime an
6 authorized person is added or removed from the list.

7 Section 5. An approved person who carries,
8 possesses, stores, or otherwise controls or uses an authorized
9 weapon on the premises of a public school in compliance with
10 this act is immune from civil liability in accordance with
11 Section 36-1-12, Code of Alabama 1975.

12 Section 6. Nothing in this act shall be construed to
13 affect the rights of any citizen to lawfully possess or carry
14 a pistol or other weapon or firearm on the premises of a
15 public school pursuant to any other applicable state or
16 federal law, to require any entity or any person, as described
17 or provided for in this act to approve or authorize any person
18 or weapon to be carried, possessed, stored, or otherwise
19 controlled on the premises of a public school, or to require
20 any entity or any person, as described or provided for in this
21 act to authorize, implement, or adopt any plans, procedures,
22 or safety and training courses or requirements.

23 Section 7. The State Superintendent and State Board
24 of Education shall adopt rules and guidelines as necessary to
25 provide for the implementation of this act and each local
26 superintendent and local board of education shall oversee and

1 provide for the local implementation, if any, within the
2 schools under its jurisdiction.

3 Section 8. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.