

1 SB383
2 152749-3
3 By Senator Brewbaker
4 RFD: Education
5 First Read: 04-APR-13

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to public K-12 education; to authorize each
12 local board of education to allow persons employed as school
13 security personnel or school resource officers to carry
14 firearms while on duty; to require that such employees have
15 certain qualifications; to provide for the defense and
16 indemnification of certain persons and entities; and to amend
17 Section 13A-11-72, relating to who may possess weapons, to
18 provide an exception for certain qualified school security
19 personnel and school resource officers.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) A local board of education may employ
22 persons as school security personnel or contract with a local
23 chief of police or sheriff to employ school resource officers.
24 A local board of education may allow any person employed by
25 the board as school security personnel or as a school resource
26 officer to carry a firearm while on duty if the employee
27 satisfies all of the following qualifications:

1 (1) He or she is certified by the Alabama Peace
2 Officers' Standards and Training Commission as a law
3 enforcement officer whose certification is in good standing
4 and who has successfully completed active shooter training
5 approved by the Alabama State Law Enforcement Agency.

6 (2) He or she annually completes and passes the
7 firearm requalification required of law enforcement officers
8 by the Alabama Peace Officers' Standards and Training
9 Commission.

10 (3) He or she must carry a non-lethal weapon and
11 must be trained in the appropriate use of that non-lethal
12 weapon.

13 (b) The State Department of Education shall
14 promulgate any necessary rules to provide for the
15 implementation of this section including, but not limited to,
16 rules providing additional qualifications for employment as
17 school security personnel or school resource officers.

18 (c) The state shall defend, indemnify, and hold
19 harmless from any liability the security officers, the local
20 boards of education, the members of the local boards of
21 education, the local superintendents of education, the State
22 Board of Education, and the members of the State Board of
23 Education in any claim, and shall indemnify the amount of any
24 settlement or judgment obtained against any such entity or
25 person arising out of any actual or alleged act, error, or
26 omission that occurred within the scope of operation, service,
27 employment, duties, or responsibilities, or where persons had

1 a reasonable basis for believing occurred within the scope of
2 operation, service, employment, duties, or responsibilities.
3 The defense, indemnity, and hold harmless provisions shall not
4 apply to any security officer when the actual or alleged act,
5 error, or omission resulted from intentional or willful and
6 wanton misconduct on the part of such security officer.

7 Section 2. Section 13A-11-72 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§13A-11-72.

10 "(a) No person who has been convicted in this state
11 or elsewhere of committing or attempting to commit a crime of
12 violence shall own a pistol or have one in his or her
13 possession or under his or her control.

14 "(b) No person who is a drug addict or an habitual
15 drunkard shall own a pistol or have one in his or her
16 possession or under his or her control.

17 "(c) Subject to the exceptions provided by Section
18 13A-11-74, no person shall knowingly with intent to do bodily
19 harm carry or possess a deadly weapon on the premises of a
20 public school.

21 "(d) Possession of a deadly weapon with the intent
22 to do bodily harm on the premises of a public school in
23 violation of subsection (c) of this section is a Class C
24 felony.

25 "(e) School security personnel and school resource
26 officers qualified under subsection (a) of Section 1 of the
27 act amending this subsection, employed by a local board of

1 education, and authorized by the employing local board of
2 education to carry a deadly weapon while on duty are exempt
3 from subsection (c) of this section. Law enforcement officers
4 are exempt from this section, and persons with pistol permits
5 issued pursuant to Section 13A-11-75, are exempt from ~~the~~
6 ~~provisions of~~ subsection (c) of this section.

7 "(f) The term "public school" as used in this
8 section applies only to a school composed of grades K-12 and
9 shall include a school bus used for grades K-12.

10 "(g) The term "deadly weapon" as used in this
11 section means a firearm or anything manifestly designed, made,
12 or adapted for the purposes of inflicting death or serious
13 physical injury, and such term includes, but is not limited
14 to, a bazooka, hand grenade, missile, or explosive or
15 incendiary device; a pistol, rifle, or shotgun; or a
16 switch-blade knife, gravity knife, stiletto, sword, or dagger;
17 or any club, baton, billy, black-jack, bludgeon, or metal
18 knuckles."

19 Section 3. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Education..... 04-APR-13

Read for the second time and placed on the calen-
dar 3 amendments..... 18-APR-13

Read for the third time and passed as amended 30-APR-13

Yeas 30
Nays 0

Patrick Harris
Secretary