

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 383 Session of 2017

INTRODUCED BY WHITE, EICHELBERGER, VULAKOVICH, MARTIN, WARD, HUTCHINSON, RAFFERTY AND YAW, FEBRUARY 15, 2017

AS AMENDED ON THIRD CONSIDERATION, JUNE 27, 2017

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in duties and powers of boards of
6 school directors, providing for protection and defense of
7 pupils.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 ~~Section 510.3. Protection and Defense of Pupils. (a) The~~ <--

14 ~~SECTION 510.3. PROTECTION AND DEFENSE OF PUPILS.--(A) (1)~~ <--

15 ~~THE board of school directors in a school district may establish~~
16 ~~a policy permitting school personnel access to firearms in the~~
17 ~~buildings or on the grounds of a school.~~

18 ~~(2) A BOARD OF SCHOOL DIRECTORS THAT ESTABLISHES A POLICY~~ <--

19 ~~UNDER THIS SECTION SHALL DO ALL OF THE FOLLOWING:~~

20 ~~(I) ESTABLISH A FIREARM SAFETY PLAN. THE BOARD OF SCHOOL~~

1 DIRECTORS SHALL FILE THE FIREARM SAFETY PLAN WITH THE LAW
2 ENFORCEMENT AGENCY THAT PROVIDES LAW ENFORCEMENT SERVICES TO THE
3 SCHOOL. A FIREARM SAFETY PLAN SHALL NOT BE DEEMED TO BE A PUBLIC
4 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN
5 AS THE "RIGHT-TO-KNOW LAW." THE FIREARM SAFETY PLAN SHALL
6 INCLUDE ALL OF THE FOLLOWING:

7 (A) IDENTIFICATION OF THE SCHOOL PERSONNEL PERMITTED ACCESS
8 TO FIREARMS PURSUANT TO THIS SECTION.

9 (B) COORDINATION BETWEEN THE LAW ENFORCEMENT AGENCY AND
10 SCHOOL PERSONNEL, INCLUDING THE SCHOOL PERSONNEL PERMITTED
11 ACCESS TO FIREARMS UNDER THIS SECTION, DURING AN EMERGENCY
12 RESPONSE.

13 (C) PROCEDURES FOR THE LAW ENFORCEMENT AGENCY TO REVIEW THE
14 DISCHARGE OF FIREARMS IN THE BUILDINGS OR ON THE GROUNDS OF THE
15 SCHOOL THAT ARE OWNED BY SCHOOL PERSONNEL PERMITTED ACCESS TO
16 FIREARMS UNDER THIS SECTION.

17 (II) PROVIDE NOTIFICATION OF THE ESTABLISHMENT OF THE POLICY
18 TO THE PARENTS AND GUARDIANS OF ALL STUDENTS ENROLLED IN EACH
19 SCHOOL OF THE SCHOOL DISTRICT THAT HAS SCHOOL PERSONNEL WHO ARE
20 PERMITTED ACCESS TO FIREARMS UNDER THIS SECTION.

21 (III) PROVIDE NOTIFICATION TO THE NEAREST HOSPITAL OF THE
22 NUMBER OF SCHOOLS IN THE SCHOOL DISTRICT WHERE SCHOOL PERSONNEL
23 HAVE ACCESS TO FIREARMS IN THE BUILDINGS AND ON THE PROPERTY OF
24 THE SCHOOLS.

25 (b) School personnel permitted access to firearms in the
26 buildings or on the grounds of a school by the board of school
27 directors must:

28 (1) have a license to carry a concealed firearm; and
29 (2) maintain a current and valid certification in the use
30 and handling of a firearm issued under:

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1 (i) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
2 education and training);

3 (ii) the act of October 10, 1974 (P.L.705, No.235), known as
4 the "Lethal Weapons Training Act";

5 (iii) the act of February 9, 1984 (P.L.3, No.2), known as
6 the "Sheriff and Deputy Sheriff Education and Training Act";

7 (iv) the act of December 13, 2005 (P.L.432, No.79), known as
8 the "Retired Law Enforcement Identification Act"; or

9 (v) any other firearms program that:

10 (A) has been approved by the Commissioner of Pennsylvania
11 State Police to be of sufficient scope and duration as to
12 provide the participant with basic training in the use and
13 handling of firearms; and

14 (B) is comparable to the training program under subparagraph
15 (i), (ii), (iii) or (iv); AND <--

16 (3) COMPLETE A PSYCHOLOGICAL EVALUATION ADMINISTERED UNDER
17 53 PA.C.S. CH. 21 SUBCH. D (RELATING TO MUNICIPAL POLICE
18 EDUCATION AND TRAINING) AND RECEIVE A PROFESSIONAL OPINION FROM
19 THE EVALUATING PSYCHOLOGIST THAT THE INDIVIDUAL IS
20 PSYCHOLOGICALLY CAPABLE OF EXERCISING APPROPRIATE JUDGMENT AND
21 RESTRAINT AS AN INDIVIDUAL AUTHORIZED TO HAVE ACCESS TO FIREARMS
22 IN THE BUILDINGS OR ON THE GROUNDS OF A SCHOOL.

23 (c) Information regarding specific school personnel
24 permitted access to firearms in the buildings or on the grounds
25 of a school:

26 (1) Shall not be subject to the ~~act of February 14, 2008~~ <--
27 ~~(P.L.6, No.3), known as the "Right-to-Know Law."~~

28 (2) May not be disclosed during a meeting open to the public
29 under 65 Pa.C.S. Ch. 7 (relating to open meetings).

30 Section 2. This act shall take effect in 60 days.