

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 59

Short Title: Armed Security Guards in K-12. (Public)

Sponsors: Senators Rabin (Primary Sponsor); and Sanderson.

Referred to: Rules and Operations of the Senate.

February 6, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW ARMED SECURITY GUARDS WHO MEET THE SELECTION AND TRAINING REQUIREMENTS FOR STATE LAW ENFORCEMENT OFFICERS AT ALL SCHOOLS, TO PROVIDE THAT THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION SHALL DEVELOP A FIREARMS SAFETY AND TRAINING COURSE TO BE ADMINISTERED BY THE VARIOUS COUNTY SHERIFF'S OFFICES TO THE ARMED SECURITY GUARDS, TO ALLOW THE WAIVER OF CONCEALED CARRY PERMIT REQUIREMENTS FOR ARMED SECURITY GUARDS WHO MEET CERTAIN REQUIREMENTS, AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(61) To Provide a Safe School Environment. – Local boards of education are encouraged to provide at all elementary, middle, and high schools an armed security guard who meets the selection and training requirements set for State law enforcement officers by the North Carolina Criminal Justice Education and Training Standards Commission. In the discretion of the board, an armed security guard may be a school resource officer, school volunteer, school employee, or a person otherwise qualified under this subdivision. The board may establish application procedures for any person interested in serving as an armed security guard. Before providing coverage to a school, all applicants, other than certified law enforcement officers, must successfully complete an approved firearms safety and training course developed by the North Carolina Sheriffs' Education and Training Standards Commission and administered by the county sheriff's office in the county where the school is located."

SECTION 2. G.S. 17E-4(a) is amended by adding a new subdivision to read:

"§ 17E-4. Powers and duties of the Commission.

(a) The Commission shall have the following powers, duties, and responsibilities, which are enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17E-8 and G.S. 17E-9:

...



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1 (13) Develop a firearms safety and training course for the county sheriff's office
 2 to administer pursuant to G.S. 115C-47(61). The course shall include a focus
 3 on the use of firearms in a crisis situation involving the actual firing of
 4 firearms where unarmed bystanders are involved.

5 "

6 **SECTION 3.** G.S. 14-269.2(a) reads as rewritten:

7 "(a) The following definitions apply to this section:

8 (1) Armed security guard. – A person who meets the selection and training
 9 requirements set for State law enforcement officers by the North Carolina
 10 Criminal Justice Education and Training Standards Commission.

11 ~~(1)~~(1a) Educational property. – Any school building or bus, school campus,
 12 grounds, recreational area, athletic field, or other property owned, used, or
 13 operated by any board of education or school board of trustees, or directors
 14 for the administration of any school.

15 ~~(1a)~~(1b) Employee. – A person employed by a local board of education or school
 16 whether the person is an adult or a minor.

17 ~~(1b)~~(1c) School. – A public or private school, community college, college, or
 18 university.

19 (2) Student. – A person enrolled in a school or a person who has been suspended
 20 or expelled within the last five years from a school, whether the person is an
 21 adult or a minor.

22 (3) Switchblade knife. – A knife containing a blade that opens automatically by
 23 the release of a spring or a similar contrivance.

24 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this
 25 section."

26 **SECTION 4.** G.S. 14-269.2(g) is amended by adding a new subdivision to read:

27 "(g) This section shall not apply to any of the following:

28 ...

29 (7) An armed security guard providing security at a school pursuant to
 30 G.S. 115C-47(61), provided that the armed security guard is acting in the
 31 discharge of the person's official duties and is on the premises of the school
 32 that retained the person as an armed security guard."

33 **SECTION 5.** G.S. 14-415.11(c) reads as rewritten:

34 "(c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry
 35 a concealed handgun in any of the following:

36 (1) Areas prohibited by ~~G.S. 14-269.2, 14-269.3, and 14-277.2.~~G.S. 14-269.2,
 37 except as allowed under G.S. 14-269.2(g).

38 (1a) Areas prohibited by G.S. 14-269.3 and G.S. 14-277.2.

39 (2) Areas prohibited by G.S. 14-269.4, except as allowed under
 40 G.S. 14-269.4(6).

41 (3) In an area prohibited by rule adopted under G.S. 120-32.1.

42 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

43 (5) In a law enforcement or correctional facility.

44 (6) In a building housing only State or federal offices.

45 (7) In an office of the State or federal government that is not located in a
 46 building exclusively occupied by the State or federal government.

47 (8) On any private premises where notice that carrying a concealed handgun is
 48 prohibited by the posting of a conspicuous notice or statement by the person
 49 in legal possession or control of the premises."

50 **SECTION 6.** G.S. 14-415.25 reads as rewritten:

51 "§ 14-415.25. Exemption from permit requirement.

1 Law enforcement officers and qualified retired law enforcement officers authorized by
2 federal law to carry a concealed handgun pursuant to section 926B or 926C of Title 18 of the
3 United States Code, who are in compliance with the requirements of those ~~sections~~,
4 and armed security guards who, pursuant to G.S. 115C-47, successfully complete an approved
5 firearms safety and training course developed by the North Carolina Sheriffs' Education and
6 Training Standards Commission and administered by the county sheriff's office in the county
7 where the school is located, are exempt from obtaining the permit described in
8 G.S. 14-415.11."

9 **SECTION 7.** G.S. 1-538.3(d) reads as rewritten:

10 "(d) For purposes of this section, the term "educational property" has the same definition
11 as in ~~G.S. 14-269.2(a)(1)~~,G.S. 14-269.2, and the term "educational entity" means the board of
12 education or other entity that administers and controls the educational property or the
13 school-sponsored activity."

14 **SECTION 8.** G.S. 14-69.1(c) reads as rewritten:

15 "(c) Any person who, by any means of communication to any person or groups of
16 persons, makes a report, knowing or having reason to know the report is false, that there is
17 located in or in sufficient proximity to cause damage to any public building any device
18 designed to destroy or damage the public building by explosion, blasting, or burning, is guilty
19 of a Class H felony. Any person who receives a second conviction for a violation of this
20 subsection within five years of the first conviction for violation of this subsection is guilty of a
21 Class G felony. For purposes of this subsection, "public building" means educational property
22 as defined in ~~G.S. 14-269.2(a)(1)~~,G.S. 14-269.2, a hospital as defined in G.S. 131E-76(3), a
23 building housing only State, federal, or local government offices, or the offices of State,
24 federal, or local government located in a building that is not exclusively occupied by the State,
25 federal, or local government."

26 **SECTION 9.** G.S. 14-69.2(c) reads as rewritten:

27 "(c) Any person who, with intent to perpetrate a hoax, conceals, places, or displays in or
28 at a public building any device, machine, instrument, or artifact, so as to cause any person
29 reasonably to believe the same to be a bomb or other device capable of causing injury to
30 persons or property is guilty of a Class H felony. Any person who receives a second conviction
31 for a violation of this subsection within five years of the first conviction for violation of this
32 subsection is guilty of a Class G felony. For purposes of this subsection "public building"
33 means educational property as defined in ~~G.S. 14-269.2(a)(1)~~,G.S. 14-269.2, a hospital as
34 defined in G.S. 131E-76(3), a building housing only State, federal, or local government offices,
35 or the offices of State, federal, or local government located in a building that is not exclusively
36 occupied by the State, federal, or local government."

37 **SECTION 10.** G.S. 115C-238.29E(d) reads as rewritten:

38 "(d) The board of directors of the charter school shall decide matters related to the
39 operation of the school, including budgeting, curriculum, and operating procedures. For
40 purposes of security, the board of directors of the charter school may provide an armed security
41 guard at the school, subject to the selection and training requirements set out in
42 G.S. 115C-47(61)."

43 **SECTION 11.** G.S. 115C-238.66 reads as rewritten:

44 "**§ 115C-238.66. Board of directors; powers and duties.**

45 The board of directors shall have the following powers and duties:

46 ...

47 (7) Health and safety. – The board of directors shall require that the regional
48 school meet the same health and safety standards required of a local school
49 administrative unit. For purposes of security, the board of directors may
50 provide an armed security guard at the regional school, subject to the
51 selection and training requirements set out in G.S. 115C-47(61)."

1 "

2 **SECTION 12.** G.S. 115C-548 reads as rewritten:

3 "**§ 115C-548. Attendance; health and safety regulations.**

4 Each private church school or school of religious charter shall make, and maintain annual
5 attendance and disease immunization records for each pupil enrolled and regularly attending
6 classes. Attendance by a child at any school to which this Part relates and which complies with
7 this Part shall satisfy the requirements of compulsory school attendance so long as the school
8 operates on a regular schedule, excluding reasonable holidays and vacations, during at least
9 nine calendar months of the year. Each school shall be subject to reasonable fire, health and
10 safety inspections by State, county and municipal authorities as required by law. For purposes
11 of security, each school may provide an armed security guard, subject to the selection and
12 training requirements set out in G.S. 115C-47(61).

13 "

14 **SECTION 13.** G.S. 115C-556 reads as rewritten:

15 "**§ 115C-556. Attendance; health and safety regulations.**

16 Each qualified nonpublic school shall make, and maintain annual attendance and disease
17 immunization records for each pupil enrolled and regularly attending classes. Attendance by a
18 child at any school to which this Part relates and which complies with this Part shall satisfy the
19 requirements of compulsory school attendance so long as the school operates on a regular
20 schedule, excluding reasonable holidays and vacations, during at least nine calendar months of
21 the year. Each school shall be subject to reasonable fire, health and safety inspections by State,
22 county and municipal authorities as required by law. For purposes of security, each school may
23 provide an armed security guard, subject to the selection and training requirements set out in
24 G.S. 115C-47(61).

25 "

26 **SECTION 14.** This act becomes effective December 1, 2013.