

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND **Senate Bill No. 1399**

House Bill No. 1380*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1309(e), is amended by adding the following as a new subdivision (14):

(A) Employees authorized to carry a handgun in accordance with a valid handgun carry permit issued by this state pursuant to § 39-17-1351, when concealed from ordinary observation on property owned, operated, or controlled by the public K-12 school at which the employee is employed;

(B)

(i) Any authorized employee who elects to carry a concealed handgun pursuant to this subdivision (e)(14) shall provide written notification to the law enforcement agency or agencies with jurisdiction over the school at which the employee is employed;

(ii) The employee's name and any other information that might identify the employee as a person who has elected to carry a concealed handgun pursuant to this subdivision (e)(14) is confidential, not open for public inspection, and must not be disclosed by any law enforcement agency with which an employee registers; provided, that the employee's name and other information may be disclosed to an administrative officer of the school who is responsible for school security. An administrative officer to whom such information is disclosed shall not disclose the information to another person. Identifying information about the employee collected pursuant to this subdivision (e)(14) must not be



0974174106



005892

disclosed to any person or entity other than another law enforcement agency and only for law enforcement purposes;

(iii) Law enforcement agencies may develop and implement:

(a) Policies and procedures designed to implement the notification and confidentiality requirements of this subdivision (e)(14)(B); and

(b) A voluntary course or courses of special or supplemental firearm training to be offered to the employees electing to carry a handgun pursuant to this subdivision (e)(14). Firearm safety must be a component of any firearm course;

(C) Unless carrying a handgun is a requirement of the employee's job description, the carrying of a concealed handgun pursuant to this subdivision (e)(14) is a personal choice of the employee and not a requirement of the employer. Consequently, an employee who carries a handgun on property owned, operated, or controlled by the public K-12 school at which the employee is employed is not:

(i) Acting in the course of or scope of the employee's employment when carrying or using the handgun;

(ii) Entitled to workers' compensation benefits under § 9-8-307(a)(1)(K) for injuries arising from the carrying or use of a handgun;

(iii) Immune from personal liability with respect to use or carrying of a handgun under § 9-8-307(h);

(iv) Permitted to carry a handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

(v) Permitted to carry a handgun at the following times and at the following locations:

(a) Stadiums, gymnasiums, and auditoriums when school-sponsored events are in progress;

(b) In meetings regarding disciplinary matters;

(c) In meetings regarding tenure issues; or

(d) Any location where a provision of state or federal law, except the posting provisions of § 39-17-1359, prohibits the carrying of a handgun on that property;

(D) Notwithstanding any other law to the contrary, a local education agency (LEA) is immune from claims for monetary damages arising solely from, or related to, an employee's use of, or failure to use, a handgun; provided, that the employee is employed by the LEA against whom the claim is filed and the employee elects to carry the handgun pursuant to this subdivision (e)(14). This section does not expand the existing conditions under which sovereign immunity is waived pursuant to § 9-8-307; and

(E) As used in this subdivision (e)(14):

(i) "Employee":

(a) Includes all faculty, staff, and other persons who are employed on a full-time basis by a local board of education; and

(b) Does not include a person who is enrolled as a student at a public K-12 school, regardless of whether the person is also an employee; and

(ii) "Public K-12 school" means a public school that offers any combination of grades kindergarten through twelve (K-12).

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.