**South Carolina General Assembly**

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**H. 4716**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Lowe, Clemmons, Duckworth, Johnson, Jordan, H.A. Crawford, Fry, Sandifer, Whitmire, Erickson, Long, Anderson, G.A. Brown, Herbkersman, Hosey, Pitts, Thayer, Weeks, White and Rivers

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Introduced in the House on January 21, 2016

Currently residing in the House Committee on **Education and Public Works**

Summary: School Protection Officer Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/21/2016 House Introduced and read first time ([House Journal‑page 4](file:///h:\HJ%20Archive\2016\01-21-16.docx))

1/21/2016 House Referred to Committee on **Education and Public Works** ([House Journal‑page 4](file:///h:\HJ%20Archive\2016\01-21-16.docx))

5/3/2016 House Member(s) request name added as sponsor: Rivers

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**VERSIONS OF THIS BILL**

[1/21/2016](file:///p:\pprever\2015-16\4716_20160121.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SCHOOL PROTECTION OFFICER ACT”; BY ADDING ARTICLE 3 TO CHAPTER 66, TITLE 59 SO AS TO PROVIDE THAT BEGINNING WITH THE 2015‑2016 SCHOOL YEAR, THE GOVERNING BOARDS OF PUBLIC K‑12 SCHOOLS AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION MAY DESIGNATE EMPLOYEES AS SCHOOL PROTECTION OFFICERS, TO PROVIDE ARMED PROTECTION AND OTHER RELATED PUBLIC SAFETY FUNCTIONS, TO DEFINE RELATED TERMINOLOGY, AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 23‑23‑112 SO AS TO CREATE A CATEGORY OF LAW ENFORCEMENT OFFICERS KNOWN AS CLASS 4 FOR THE DESIGNATION OF SCHOOL PROTECTION OFFICERS, TO PROVIDE THE LAW ENFORCEMENT COUNCIL MUST DEVELOP GUIDELINES FOR RELATED TRAINING THAT MUST BE OFFERED BY THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE SPECIFIC REQUIREMENTS FOR THIS TRAINING, AND TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16‑23‑420, RELATING TO THE EXEMPTIONS FROM THE PROHIBITION OF POSSESSING FIREARMS ON PUBLIC SCHOOL PROPERTY, SO AS TO EXEMPT SCHOOL PROTECTION OFFICERS; TO REDESIGNATE CHAPTER 66, TITLE 59 AS “SCHOOL SAFETY”, AND TO REDESIGNATE SECTIONS 59‑66‑20, 59‑66‑30 AND 59‑66‑40 AS “GENERAL PROVISIONS”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “School Protection Officer Act”.

SECTION 2. Chapter 66, Title 59 of the 1976 Code is amended by adding:

“Article 3

School Protection Officer Act

Section 59‑66‑310. For the purposes of this article:

(1) ‘Board’ means a local public school board or the board of trustees of a public institution of higher learning.

(2) ‘Firearm safe’ means a secure and protective storage container for firearms and firearm ammunition and to which access is restricted by use of combination lock, digital lock, or fingerprint identification. A firearm safe must be certified by Underwriters Laboratories or its successor organization.

(3) ‘Frangible bullet’ means a bullet designed to disintegrate into tiny particles upon impact to minimize their penetration for reasons of range safety to limit environmental impact, or to limit the danger around the intended target.

(4) ‘Public school employee’ means a person employed by a school district, as defined in Section 59‑1‑160, or a public institution of higher learning, as defined in Section 59‑103‑5.

(5) “School’ means a K‑12 public school or a public institution of higher learning.

(6) ‘School protection officer’ means a person certified as a Class 4 officer by the Law Enforcement Training Council pursuant to Section 23‑23‑112 and intended to provide armed protection and other specific public safety and first responder functions to public school children and employees.

(7) ‘Self‑defense spray device’ means a device capable of carrying and ejecting, releasing or emitting a nonlethal solution capable of incapacitating a violent threat.

Section 59‑66‑320. Beginning with the 2015‑2016 school year, a school board may designate employees as school protection officers to provide armed protection and other related public safety functions to attendees and employees of each public school, with specialized training from the Criminal Justice Academy as required by the Law Enforcement Training Council. The responsibilities and duties of a school protection officer are voluntary and are in addition to his normal responsibilities and duties. Compensation for additional duties relating to service as a school protection officer must be funded by the employing school, which is prohibited from using state funds to provide this compensation.

Section 59‑66‑330. (A) A person designated as a school protection officer may possess a firearm or a self‑defense spray device on the school premises if he:

(1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23;

(2) is Class 4 certified to be a school protection officer pursuant to Section 23‑23‑112;

(3) keeps the weapon on his person at all times while on the premises except when locked in the school firearm safe;

(4) keeps the weapon concealed when not in use or locked in the school firearm safe;

(5) uses only frangible bullets in an effort to avoid ricochets; and

(6) has no history of violence or unmanaged anger documented by his employer.

(B) A public school employee who seeks designation as a school protection officer shall apply for the designation in writing to the school by whom he is employed, using forms created by the state Department of Education and furnished by the school in its administrative offices and on its internet website. An applicant also shall submit with the application proof that he holds the permit and certification required in subsection (A). An applicant may apply for a provisional permit before he completes the Class 4 certification to ensure the board will otherwise approve his application upon satisfaction of the other requirements of this chapter.

(C) A school board shall hold a public hearing to decide whether to designate any of its employees as school protection officers before the school board may designate an employee to serve as a school protection officer. Notice of the hearing must be published, but the name of any specific employee under consideration for receiving the designation may not be made public. The board’s discussion of the qualifications of a specific, individual public school employee to be designated as a school protection officer must occur in executive session.

Section 59‑66‑340. (A) A school board that designates an employee as a school protection officer shall, within thirty days after making the designation, provide written notification of the designation to the director of SLED. This notification must include the:

(1) full name, date of birth, and address of the officer;

(2) name of the public school that made the designation; and

(3) date on which the district made the designation.

(B) The director of SLED shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies.

(C) Notwithstanding another provision of law, identifying information collected under the authority of this section is not subject to disclosure under the South Carolina Freedom of Information Act.

Section 59‑66‑350. (A) A school protection officer who fails to keep his firearm secure on his person or in the school firearm safe while that the firearm is on school property in violation of Section 59‑66‑330(A)(3) or (4) immediately must be removed from the classroom, have his designation as a school protection officer revoked, and be subject to employment termination proceedings by the board.

(B) A school board may revoke the designation of a person as a school protection officer for any reason and immediately shall notify the designated school protection officer, in writing, of the revocation, except when revocation is made pursuant to subsection (A). The school board also shall within thirty days after the revocation notify the director of SLED in writing of the revocation. A person whose designation as a school protection officer is revoked has no right to appeal the revocation decision or other means of redress.

Section 59‑66‑360. A school protection officer must complete continuing education training as considered appropriate by the Law Enforcement Training Council. Failure to comply with this requirement shall result in the immediate suspension of the officer’s designation until he completes the requirements and pays a reinstatement fee to the school.

Section 59‑66‑370. The designation of an officer expires at the end of his contract period, but may be extended by the board of an additional year annually if he continues to satisfy the requirements of this section.

Section 59‑66‑380. A school protection officer has an affirmative duty to notify the school board if he is charged with any criminal acts except for minor traffic violations. The school board shall suspend his certification until it determines whether the charges are violent in motive, in which case it shall revoke the designation.”

SECTION 3. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑112. (A) There is created a category of law enforcement officer known as Class 4 for the designation of school protection officers. A person may not act as a school protection officer without attaining Class 4 certification and satisfying the requirements of Sections 23‑23‑40, 23‑23‑60, and other applicable provisions of this chapter.

(B) The Law Enforcement Training Council shall develop guidelines for a two‑week training program that the Criminal Justice Academy shall offer and which a person must satisfactorily complete to be Class 4 certified. This program must include:

(1) shoot/don’t shoot training;

(2) school safety protection training;

(3) rapid response training;

(4) identifying and containing potential threats and occurring threats;

(5) defusing volatile situations and resolving conflict;

(6) communicating with law enforcement that has jurisdiction over the school;

(7) first responder first aid; and

(8) other training that the council considers appropriate.

(C) For the purposes of this section:

(1) ‘First responder first aid’ means the provision of initial care for an illness or injury until definitive medical treatment is accessed, with the goals of preserving life, prevention of further harm, and promotion of recovery. This term also may include extended first aid skills such as defibrillation and clearing blocked human airways with appropriate medical devices.

(2) ‘Public school’ has the same meaning as Section 59‑1‑120 and includes:

(a) kindergarten, elementary school, middle school, secondary school, junior high school, or high school as defined in Section 59‑1‑150; and

(b) a public institution of higher learning as defined in Section 59‑103‑5.

(3) ‘Rapid response’ means the active confrontation of a developing high‑risk crisis that poses an immediate and life‑threatening danger to public safety.

(4) ‘School protection officer’ or ‘SPO’ has the same meaning as in Section 59‑66‑310(6).

(5) ‘School safety protection’ means security measures unique to a school setting intended to ensure the safety of students and school personnel.

(6) ‘Shoot/don’t shoot’ means the decision by law enforcement on whether or not to use deadly force.”

SECTION 4. Section 16‑23‑420(F) of the 1976 Code, as added by Act 274 of 2002, is further amended to read:

“(F) This section does not apply to a person who is:

(1) authorized to carry concealed weapons pursuant to Article 4, Chapter 31 ~~of~~, Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility; or

(2) designated as a school protection officer pursuant to Article 3, Chapter 66, Title 59.”

SECTION 5.A. Chapter 66, Title 59 of the 1976 Code is redesignated “School Safety”.

B. Sections 59‑66‑20, 59‑66‑30, and 59‑66‑40 are redesignated “General Provisions”.

SECTION 6. This act takes effect upon approval by the Governor.

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