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HOUSE BILL 157

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Martin R. Zamora

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE SCHOOL TEACHERS ON-SITE PROTECTION ACT; REQUIRING THAT THE DEPARTMENT OF PUBLIC SAFETY CONDUCT SCHOOL EMPLOYEE FIREARM TRAINING; ESTABLISHING PROCEDURES FOR SCHOOL EMPLOYEES TO BE LICENSED AND APPOINTED TO CARRY HANDGUNS ON SCHOOL PREMISES; ADDING SCHOOL EMPLOYEES LICENSED AND APPOINTED TO CARRY A HANDGUN TO EXCEPTIONS TO UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL PREMISES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "School Teachers On-Site Protection Act"."

SECTION 2. A new section of the Public School Code is .227145.2

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1 enacted to read:

2 "[NEW MATERIAL] DEFINITIONS.--As used in the School
3 Teachers On-Site Protection Act:

4 A. "appointed school employee" means a school
5 employee who has successfully completed the school employee
6 firearm training program, is licensed to carry a handgun
7 pursuant to the Concealed Handgun Carry Act and is appointed by
8 the local superintendent of a school district or head
9 administrator of a charter school to carry a handgun on school
10 premises; and

11 B. "trainee" means a person who is licensed to
12 carry a handgun pursuant to the Concealed Handgun Carry Act and
13 is a participant in the school employee firearm training
14 program."

15 SECTION 3. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] SCHOOL EMPLOYEE FIREARM TRAINING AND
18 LICENSURE PROGRAM.--

19 A. The department of public safety shall establish
20 and maintain a school employee firearm training program open to
21 any employee of a school district, charter school or private
22 school who holds a license to carry a handgun issued under the
23 Concealed Handgun Carry Act. The training shall be conducted
24 by department of public safety staff or a provider approved by
25 the department of public safety.

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1 B. The department of public safety shall collect
2 from each employee who participates in the school employee
3 firearm training program identifying information that includes
4 the person's name and date of birth, the license number of the
5 license issued to the person pursuant to the Concealed Handgun
6 Carry Act and the address of the school district, charter
7 school or private school that employs the person.

8 C. The school employee firearm training program
9 shall include eighty hours of instruction designed to:

10 (1) emphasize strategies for preventing school
11 shootings and for securing the safety of potential victims of
12 school shootings;

13 (2) educate a trainee about legal issues
14 relating to the duties of peace officers and the use of force
15 or deadly force in the protection of others;

16 (3) introduce the trainee to effective law
17 enforcement strategies and techniques;

18 (4) improve the trainee's proficiency with a
19 handgun; and

20 (5) enable the trainee to respond to an
21 emergency situation requiring deadly force, such as a situation
22 involving an active shooter.

23 D. The department of public safety, in consultation
24 with a psychologist or psychiatrist, shall devise and
25 administer a psychological examination to each trainee to

1 determine whether the trainee is psychologically fit to carry
2 out the duties of an appointed school employee in an emergency
3 shooting or active shooter situation.

4 E. The department of public safety shall charge
5 each trainee a reasonable fee to cover the cost of conducting
6 the school employee firearm training program.

7 F. The department of public safety shall issue a
8 school employee firearm license to a trainee who is eligible
9 for appointment to carry a firearm on school premises if the
10 trainee:

11 (1) completes training under this section to
12 the satisfaction of the department of public safety staff; and

13 (2) is psychologically fit to carry out the
14 duties of an appointed school employee as indicated by the
15 results of the psychological examination administered under
16 this section.

17 G. A school employee firearm license issued or
18 renewed pursuant to the provisions of the School Teachers On-
19 Site Protection Act shall expire on July 31 following the
20 second anniversary of the date the department of public safety
21 issued that license.

22 H. A school employee licensed to carry a firearm on
23 school premises may renew a school employee firearm license by:

24 (1) successfully completing a school employee
25 firearm license renewal course designed and administered by the

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1 department of public safety that shall not exceed sixteen hours
2 of combined classroom and simulation training;

3 (2) demonstrating appropriate knowledge on an
4 examination designed and administered by the department of
5 public safety;

6 (3) demonstrating handgun proficiency to the
7 satisfaction of department of public safety staff; and

8 (4) demonstrating psychological fitness on the
9 examination described in Subsection D of this section.

10 I. The department of public safety shall revoke a
11 person's school employee firearm license if the person's
12 license to carry a handgun issued pursuant to the Concealed
13 Handgun Carry Act has been suspended or revoked. A person
14 whose school employee firearm license is revoked may obtain
15 recertification by:

16 (1) furnishing proof that the person's handgun
17 license pursuant to the Concealed Handgun Carry Act has been
18 reinstated; and

19 (2) completing the initial training pursuant
20 to Subsection C of this section to the satisfaction of the
21 department of public safety staff, paying the fee for the
22 training and demonstrating psychological fitness on the
23 psychological examination described in Subsection D of this
24 section.

25 J. For each person issued a school employee firearm

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1 license, the department of public safety shall submit the
2 identifying information collected pursuant to Subsection B of
3 this section to the:

- 4 (1) secretary of public safety;
- 5 (2) school district, charter school or private
6 school that employs the person; and
- 7 (3) chief law enforcement officer of the local
8 municipal law enforcement agency where the school district,
9 charter school or private school is located; provided that when
10 there is no municipal law enforcement agency, identifying
11 information shall be submitted to the county sheriff in the
12 county in which the school district, charter school or private
13 school is located.

14 K. The department of public safety shall
15 immediately report the expiration or revocation of a school
16 employee firearm license to each entity listed in Subsection J
17 of this section.

18 L. Information collected or submitted under this
19 section is submitted for security purposes as part of a
20 confidential tactical plan or procedure and shall not be
21 disclosed in a request made pursuant to the Inspection of
22 Public Records Act."

23 SECTION 4. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] SCHOOL EMPLOYEE APPOINTMENT AND HANDGUN
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1 CARRYING PROCEDURES.--

2 A. The local superintendent of a school district or
3 head administrator of a charter school may appoint one or more
4 school employees to carry handguns for each school campus.

5 B. The school district or charter school may
6 reimburse the amount paid by the appointed school employee to
7 participate in the school employee firearm training program
8 pursuant to the provisions of Section 3 of the School Teachers
9 On-Site Protection Act.

10 C. A school district or charter school that
11 appoints a school employee to carry a handgun on school
12 premises shall enact policies to provide for the safe carrying
13 of a concealed handgun by the school employee, and the policies
14 shall require that:

15 (1) an appointed school employee may carry a
16 concealed handgun on the school employee's person or possess
17 the handgun on the physical premises of a school in a locked
18 and secured safe or other locked and secured location; and

19 (2) a handgun carried or possessed by a
20 licensed and appointed school employee may be loaded only with
21 frangible duty ammunition approved for that purpose by the
22 department of public safety.

23 D. A school employee appointed to carry a firearm
24 may carry a concealed handgun or possess a handgun on the
25 physical premises of a school; provided that:

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1 (1) the appointed school employee shall act in
2 accordance with the policies for carrying a handgun by school
3 employees adopted by the school district or charter school; and

4 (2) the appointed school employee shall only
5 carry a concealed handgun at the specific school as specified
6 by the local superintendent of the school district or the head
7 administrator of the charter school.

8 E. A school employee may use a handgun that the
9 school employee is authorized to carry or possess only under
10 circumstances that would justify the use of deadly force
11 pursuant to Section 30-2-7 NMSA 1978.

12 F. A school district or charter school employee's
13 status as an appointed school employee to carry a handgun on
14 school premises becomes inactive upon:

15 (1) expiration of the employee's school
16 firearm license;

17 (2) suspension or revocation of the employee's
18 license to carry a handgun issued pursuant to the Concealed
19 Handgun Carry Act;

20 (3) termination of the employee's employment
21 with the school district or charter school; or

22 (4) notice from the school district or charter
23 school that the employee's services as an employee licensed to
24 carry a handgun on school premises are no longer required.

25 G. The identity of a school employee appointed

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1 under this section is part of a confidential tactical plan or
2 procedure and shall not be disclosed in a request made pursuant
3 to the Inspection of Public Records Act."

4 SECTION 5. Section 30-7-2.1 NMSA 1978 (being Laws 1987,
5 Chapter 232, Section 1, as amended) is amended to read:

6 "30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL
7 PREMISES.--

8 A. Unlawful carrying of a deadly weapon on school
9 premises consists of carrying a deadly weapon on school
10 premises except by:

11 (1) a peace officer;

12 (2) school security personnel;

13 (3) a student, instructor or other

14 school-authorized personnel engaged in army, navy, marine corps
15 or air force reserve officer training corps programs or
16 state-authorized hunter safety training instruction;

17 (4) a school employee licensed and appointed
18 to carry a handgun on school premises pursuant to the School
19 Teachers On-Site Protection Act;

20 [~~4~~] (5) a person conducting or participating
21 in a school-approved program, class or other activity involving
22 the carrying of a deadly weapon; or

23 [~~5~~] (6) a person older than nineteen years
24 of age on school premises in a private automobile or other
25 private means of conveyance, for lawful protection of the

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1 person's or another's person or property.

2 B. As used in this section, "school premises"
3 means:

4 (1) the buildings and grounds, including
5 playgrounds, playing fields and parking areas and any school
6 bus of any public elementary, secondary, junior high or high
7 school in or on which school or school-related activities are
8 being operated under the supervision of a local school board;
9 or

10 (2) any other public buildings or grounds,
11 including playing fields and parking areas that are not public
12 school property, in or on which public school-related and
13 sanctioned activities are being performed.

14 C. Whoever commits unlawful carrying of a deadly
15 weapon on school premises is guilty of a fourth degree felony."