

**2017 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1310**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1310  
1/27/2017  
27539

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

Relating to carrying a concealed firearm in a school; relating to an exception to the prohibition against possessing a firearm at a public gathering

### Minutes:

Attachments #1 - #16

Chairman Porter: Called the committee to order on HB 1310.

**Rep. Kiefert:** sponsor of the bill, presented Attachment #1.

**Rep. Ruby:** Do you foresee cost with trying to get the school/district to pay for the Class 1 or any other training?

**Rep. Kiefert:** That will be covered by an expert witness.

**Rep. Lefor:** Have you talked to the ND School Board Association? How do they feel about this.

**Rep. Kiefert:** We've met previously and tried to come up with a plan. We've had this for three sessions. If we do a study, we're just kicking the can down the road. We're trying to be proactive. I'd like to see this put in place where the schools can decide for themselves. Every school is different, it's an individual decision.

**Rep. Lefor:** They would need to hire a special person or a teacher?

**Rep. Kiefert:** Each school is unique. At some schools you might hire retired officer that's already trained working there. He could receive the required training and be there. At some schools you might have retired military working there. They could hire retired veteran, police officer to be trained. We've had people volunteer to be there for their kids.

**Chairman Porter:** Last session HB 1195 went through House Ed and passed. How does this HB 1310 differ from 1195 from last session?

**Rep. Kiefert:** ND does have a recognized training program now. That's the biggest differences from then and now.

**Chairman Porter:** When you drafted HB 1310, is it identical or was it the training component that was different? What's different?

**Rep. Kiefert:** The training components would be the biggest difference. That's seems to be the main concern is because people are acceptable of the resource officer, but they question the training. So we try to reinforce their concerns and have a state approved program.

**Paul Hammers,** native ND, retired Army Noncommissioned Officer, teacher, military historian, NRA life member, and one of the few civilians recognized by ND Peace Officers Standard and Training Board as a subject matter expert in firearms and tactics instruction, and currently serving as Municipal Judge for the City of Napoleon. He presented ATTACHMENT #2.

**52:29**

**Rep. Anderson:** Scenario, let's say 3 offence football lineman gained your trust, tackle you and get your gun. I don't care how tough you are in the right circumstance; someone can get your firearm. Now they have the firearm, what do you do?

**Paul Hammers:** The curriculum retention in the holster and retention in your hand. You're describing that could happen to anyone. It was worst case scenario no doubt. Some of the training no doubt is force on force, called weapons employment in entanglement.

**Rep. Anderson:** I would feel better if the gun had a mechanism on it that only a trained person could handle and fire. I don't care how tough you are, under the right circumstance, there's always someone tougher than you in life.

**Paul Hammers:** We can sit here and debate all day long but implementing a plan of action is better than doing nothing. A wise man told me and my teammates. The men in charge make decisions. The only failure you have is a failure to act.

**54:20**

**Rep. Keiser:** Exemption for liability on Page 2. It's unusual for the legislature to put in statute exemptions from real liability. That's why we have court systems to level the playing field. If a parent believes they have documentation, we typically don't exempt people, the courts make that decision. You indicated we have 12.1-05-07.2, says if you act improperly you can be charged, that's the shooter. To exempt the board and administration takes away a significant opportunity for the parent who may have lost a child. Would you accept deleting the exemption?

**Paul Hammers:** I don't feel the verbiage in this bill is concrete and perfect. To answer, I have no objection to any changes to this bill. I see it as the best effort put forward to date. The scenario you describe has nothing to do with his being armed, but has everything to do with his behavior and how the administration handles his behavior issue in the light of his duties

as an armed teacher. In that case, the administration for not removing his firearm, not removing him from the building, would be liable for their poor leadership decisions.

**59:00**

**Justin LaBar**, teacher at Stanley, volunteer hunter safety instructor, and a conceal and carry permit holder, Stanley ND, presented Attachment #3 and asked for a Do Pass vote.

**1:05**

**Charles Woock**, Bismarck, ND, presented Attachment 4 in support of HB 1310. Major step in the right direction.

**1:12:47**

**Dr. Chris Kopacky**, representing the NRA, presenting Attachment 5 in support of HB 1310.

**Chairman Porter**: Questions? At this time, we will start on the opposition side. We are going to try to hold our schedule time as much as possible. The latest we'll go is 11:30, which allows the same amount of time for the opposition as the proponents had for the bill.

**1:17:18**

**Nick Archuleta**, president of ND United. He presented Attachment 6 and urged a Do Not Pass on HB 1310.

**Rep. Keiser**: I had a similar thought that parents aren't being polled. Realistically, that's why we have school boards. They are elected and represent the parents. Indirectly parents are being represented.

**Archuleta**: That is true. According to this legislation, ideally, nobody will know who that individual is. If you've ever had a beer in a small time, but typically within 30" of a secret decision is made, the town knows.

**Rep. Ruby**: That survey you gave out to every, 62% oppose. How specific was that? Does it include anyone that's highly trained or just the janitor has a gun?

**Archuleta**: The word wasn't any just janitor; it was school employees. If this legislation passed, that individual that carries the loaded weapon on school premises, would be an employee of the school.

**Rep. Ruby**: In that survey, did it specify any training? Or no training required?

**Archuleta**: I don't have the exact wording of the question in front of me but I could check and get back to you.

**Chairman Porter**: Mr. Archuleta, can you provide us with the exact wording of the questions asked so we can see what was asked of the individuals?

**Archuleta:** Yes I can do that.

**Chairman Porter:** You talk about contracting with local law enforcement agencies to provide these services, in rural areas where that isn't available, and there's a retired deputy or patrolman that would want to do that, there's no avenue for that now. How would you suggest school boards be given the flexibility and local control that we always hear about, go about that without providing this kind of an avenue to those school boards?

**Archuleta:** School districts every day establish priorities. They adjust their budget according. I don't know that the school resource officer wouldn't be available in any community, if they're contracting with the local sheriff's department or whatever. There has to be a way to make sure those people are available.

**Chairman Porter:** How do we allow the school board the flexibility to provide those options?

**Archuleta:** I'm not so sure they need other options than to contract with a licenses profession law enforcement.

**Jack McDonald,** ND Newspaper Association and ND Broadcasters Association provided Attachment 7, in opposition to 44 words in the bill and asked they take out the provision of closed meetings of the school boards.

**1:28:36**

**Rep. Roers Jones:** What you're saying is not that the names of the armed first responders are, should be public, you think the decision should be with the principal and not the school board?

**McDonald:** I don't think the school board itself has to sit down and decide exactly who. The decision to allowing the guns should be decided at a public meeting. School board patrons deserve to know, it's there's school.

**Rep. Ruby:** If we change it where the school board gave authority at a public meeting, are you wanting those names to become public or remain confidential?

**McDonald:** No. The school board's decision to have guns, should be made public.

**1:30:59**

**Russ Ziegler,** assistant director of ND Council of Education Leaders. Attachment #8. Requests a do not pass.

**1:42:05**

**Josh Johnson,** superintendent of schools in Valley City. Attachment #9 and asked a Do Not Pass.

**1:45:18**

**Rep. Lefor:** You said this will put undue pressure on school boards to made a decision as to who to designate. The bill states whether schools even want to participate or not.

**Johnson:** If a school board with a local decision chooses not to, an incident occurs, and the pressure is back on the school board for NOT making the decision to arm an educator, and therefore is criticized unduly for making that decision.

**Chairman Porter:** In that same scenario, you think it's okay that undo pressure resides with us in the Legislature?

**Johnson:** I believe we need to train our educators, and I'm asking that you put serious consideration into the training that goes along with this. Law enforcement goes through that necessary training. I believe there's people in the rural settings that could fill this bill.

**Chairman Porter:** Do you have school resource officers at your school in Valley City?

**Johnson:** Yes

**Chairman Porter:** Last night on the news, Williston Public Schools was interviewed, 1-2 teachers and a handful of students. Did you see that? Inside of the story when they talked to the teacher, said "Why not if they're trained?" And the students that caught my attention said, "why not if they're trained?" I'm wondering all the times we hear, we want local control so why not, and all the times we hear training, training, and training, and why not if they're trained.

**Johnson:** The key there is training, and I spoke to the 40 hours of training and I don't feel it's sufficient. I'm not opposed to armed people in our school but I feel it will take much more than 40 hours of training.

**Chairman Porter** If a school has an ATM machine, and the bank hires a local security company to open and fill and close it, there's armed 2 security people that come an armored car with a box of money. They fill the machine and leave. Is there level of training and proficiency is enough to fulfill the obligation or what level of training are you speaking?

**Johnson:** I'm thankful I'm not in the ATM business and students are my concern. As far as training, I work with SROs and believe the training they've gone through to not only protect and serve our staff and students, but serve in other capacities as well, as mental health capacities, counselors and mentors.

**Chairman Porter:** So that trained security guard can legally go into your school with their weapon. Do you feel they're sufficiently trained sufficiently to fulfil the obligations of their security business to be in your school. or do you think only individuals trained at the law enforcement level should be allowed into school.

**Johnson.** I feel any training less than a law enforcement office is not sufficient.

**Vice Chairman Damschen:** In all of these scenarios, none of the security or measure in the school are necessary or utilized unless shooting starts. That's when the risk begins, not having an armed guard at the school. Is it more of a risk who can provide a defense than just have a shooter loose and not be able to defend against it?

**Johnson:** I believe the value comes in us having a resource officer. I feel working through our school resource officer, administratively and with the counseling staff as well, those are situations we can address. Not every situation involves a weapon.

**Vice Chairman Damschen:** My concern is if the scenario happens, a student brings a gun and attacks students, and there's no armed security to defend against that, do you feel the risk is greater to having someone who could defend against the student doing that than it is to just take the risk of the student doing it without any defense available to the other students?

**Johnson:** Mr. Zieglar addressed that. We have to be able to address the warning signs. I don't believe it's a greater risk for us to have a school resource officer in the building to address that. I do feel having an educator that's undertrained, potentially trying to intervene with the student in your scenario, potentially does pose a greater risk.

**Chairman Porter:** In this bill say anywhere it has to be a teacher or employee of the school district?

**Johnson:** My interpretation is that in a rural setting, it would be an employee of the school district

**Chairman Porter:** But it doesn't say that in here.

**Johnson:** I would have to review that.

**Rep. Ruby:** You're really worried about the training. I'm in the National Guard and we excel on information and training into a weekend. You can do a lot over 40 hours, five 8 hour days. You can get very very good training in that. You have an SRO in your school. The basic SRO course is 40-hour block of instruction for law enforcement with 2 years or less experience. They'll have some background in law enforcement which is broad, plus 40 hours specific to school setting. With this bill, it's required you have a Class 1 which is giving pretty efficient training on handling your weapon, and the 40-hour block that covers everything an SRO does without having to be a police officer. I'm wondering where your distinction between the two is.

**Johnson:** Go back to the topic of conversation is the firearm. I don't feel 40 hours of training is sufficient for a teacher or person designated by a school board without law enforcement training to be able to be prepared for the scenarios laid out here this morning. I'm familiar with the school resource officer training. I feel a piece of the training that goes into becoming a quality SRO, there may be bits and pieces. The reality is there's 3 primary purposes for an SRO, law enforcer, counselor, and educator. I stand by my statement 40 hours is not enough. I don't feel having our educators that teach our children, take 40 hours of their time to be trained to have a firearm, is sufficient and asking them to make decision on pulling the trigger.

**1:57:59**

**Dan Donlin**, Chief of Police for Bismarck Police Dept. Attachment #10.

**2:05:27**

**Rep. Heinert:** Talk about the incident you went through and speak to that if you don't mind talking about that.

**2:05:48**

**Donlin:** In 2002 a swat team conducted a search warrant, drug dealers armed and dangerous. Swat team entered, suspects opened fire on us in a mobile home from a locked barricaded position in the back bedroom. Three of us were in the hallway, gunfire erupts. 13-14-hour standoff. 2 suspects shooting at us throughout the night. 10 hours into it, we insert gas into the mobile home in an attempt to force them out, and gunfire erupts again. I end up in an exchange of gunfire through a bathroom window. Unknown at the time if I struck anyone or not. No more gunfire from that point on. The ultimate (un)fortunate ending to that was I ended up shooting and killing one of the individuals involved. 3 of my officers were shot, one shot and injured in the leg, had to belly crawl out, 1 shot in the chest but his vest stopped the bullet, and 1 shot in the back after the bullet went through a couch and the wall. He was not physically injured, physiologically yes. As the bullet went through his nylon cuff case, he was standing at an angle, the bullet ripped the belt width of the belt almost into the back but ricocheted out the front. In all my training, I did not hesitate, only whether I'm going to have to shoot somebody. I was in training mode. Strictly training. Our swat team we shoot every month, train 12 hours every month as a team, and we prepare for these shoot don't shoot. I've never been trained in the psychological aspects of having to take a life. When I had to pull that trigger, it wasn't whether a matter of I don't want to kill somebody, and I didn't want to kill somebody, but the training gets down to that, I have to shoot in order to save individuals, my officers, people still living in this particular area of the community. Your mind works quickly. It was, "am I within the law or not within the law?" Can I or can't I? Afterwards you better have some mental health and counseling in place for a duration. We have a thick policy what to do after a shooting. Humanly how do we take care of that officer, his family, not just the officer, not just the carrier in the school, it's the family as well.

**Rep. Keiser:** As I was listening, when we get in a life and death combat, military, if you wish to serve on a submarine, you go through an extensive psychological profiling to make sure you're going to be okay under water for 6 months. For law enforcement, do you go through psychological testing to filter out psychological problems before you swear them in as officers?

**Donlin:** Yes. We have a psychological test once they make it through the interview. They take a written test, we send it off and it's evaluated.

**Rep. Keiser:** There's a lot of screening for a Class 1. Does it include the same level of psychological evaluation?



**Donlin:** I do not know.

**Chairman Porter:** That's Bismarck Policy Department's procedure. Is that a statewide requirement on the post board to do that very psychological examination? I know that you are an accredited agency through a national accredited organization that may require that. I don't believe it's a post board standard for hiring a law enforcement officer.

**Donlin:** I'm not 100% sure but I would go with what you stated. I don't believe it's a requirement but I'm not positive.

**Chairman Porter:** On your comments specifically, Page 1 Line 13, directly to your point, must be in cooperation with local law enforcement. If it was changed to, "must be a post board approved training course" and it took that local component of that condition out, does that address your concern?

**Donlin:** I don't know that's the concern in those three lines. That just state you must be conditioned upon the individual (? 2:13:45) be the carrier of course. They would cooperate in training WITH law enforcement for school emergencies. I don't have a problem with training WITH law enforcement, the issue is if law enforcement is expected to provide the use of deadly force training. To my knowledge, law enforcement will not be providing this training. It might not be rewording, it's what's the interpretation of who is providing the training.

**Chairman Porter:** I just wanted to be clear. Okay. Your last comment on Page 3, Sub N on Line 26, if that component isn't added to the exemptions, then the whole first part of the bill is irrelevant because they went through all the training. All that says is the person who went through Section 1 of this act, can then carry on the school.

**Donlin:** Is it just school, or is it just the exemption from the entire definition of public gathering?

**Chairman Porter:** No, it's just because it says "on school property".

**Donlin:** Well if that is the intent that it is just on school property, then that changes my opinion on that line. I didn't think it should be included in the entire overall public gathering exception. As you pointed out, it says "on school property" so I think that clarifies that.

**Vice Chairman Damschen:** Seems like what we're talking about is very few of us can predict what our reaction would be and what the repercussions would be. Whether there's armed security officer at this site or not, it's going to be a terrible psychological effects. Can we even quantify or decide, know if it would be worth just an assailant with a gun, or if there's an assailant and defense? I admire you and other servicemen because you not only put your life at risk, but you risk the experiences you'll go through that will affect you forever.

**Donlin:** Speculation if this bill will make it worse or not. Unfortunately, you don't know that until the outcome has occurred. Then the second guessing will start no matter which way it happens. There's no guarantee.

**2:19:40**

**Elroy Burkle**, Executive Director of the ND Small Organized Schools, Attachment 11.

**2:22:58**

**Rep. Mitskog:** In what the position might be on the student resource officers, funding for the small schools, the availability is a challenge. We're struggling trying to find a way to fund that position. Would your organization would support a legislative effort on studying ways or grants, funding ways to help schools with these issues to insure school safety.

**Burkle:** Yes, any type of money we can get to research, by all means.

**Rep. Keiser:** I couldn't agree more with you. You can always sue. But there are times you can't win. It's a law which the court follows that says you are exempt.

**Frank Schill**, Superintendent of Edmore Public School, presented Attachment 12 and urged a Do Not Pass.

**Chairman Porter:** Inside of your job, you've sat at your desk and wondered, what would happen, as we all have, with a 30" or more response time to your school. Have you thought what your local militia response would be to that situation when word got out that it was going on?

**Schill:** I'm a conceal carry individual. My wife is a police officer for over 20 years. My family They supply housing for my pistol 100 feet away from the school, my firearm. I would second guess myself, what is my liability if I go get that weapon and come back to the school. What would the local people do? If they knew this was going on I would hope someone would step up and take counter measures. In Edmore we practice lockdown. 3 years ago Edmore participated in a trainer in training in ALICE, alert lockdown inform counter, evacuate training. We're the 1<sup>st</sup> group in ND to receive that training. That really opened my eyes and allowed my students and staff to use common sense. Until that point we were to just sit there, be in lockdown position, and that's why shooter accuracy is at 90%, because people are sitting on the floor covering their head while the shooter goes from person to person. With ALICE training, my students now have the ability, if we get on the intercom and say, and we practice on a monthly basis, we let them know the shooter is at this location, students and teach can look in the hall if they're in a safe area and they can evacuate. They practice at the school and going to a safe location in town. That has helped us in Edmore. When it comes to having an armed person in the school, that could be another component but I think it needs to be seriously studied and discussed. I think in coordination with 2 efforts, moving from simple lockdown to counter measures by staff, I think that might be a better solution for school districts. I don't know what would happen, I hope someone would step up if necessary.

**Chairman Porter:** 11:30 and closed the public hearing on HB 1310.

Time ran out and some did not testify. They handed in their testimony as follows:

Michael L. Geiermann: Attachment 13

Tom Kelch/ Erica Lafferty: Attachment 14

Jon Martinson, ND School Board Association: Attachment 15

Stan Schauer, assistant director- Adult Education Attachment 16

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1310

2/2/2017

27855

Subcommittee

Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

Relating to carrying a concealed firearm in a school; relating to an exception to the prohibition against possessing a firearm at a public gathering

### Minutes:

Attachment #1

Rep. Bosch's proposed Amendment

**Meeting location:** Coteau Room

**Date and Time:** 2/2/2017 4:50 pm

**Members present:** Chairman Damschen, Rep. Mitskog, Rep. Anderson, Rep. Ruby, Rep. Bosch

**Others present:** Chief Phil Pfennig, Mr. Kranda, Sara Johnson

### Topics of discussion

- How will this affect private schools?
- School board should decide but principal & superintendent do the hiring and mental screening
- Only 40 hours of training is not enough
- School liability
- Anyone with a sidearm must assume they may be liable
- Possible liability for not having protection
- Pilot program possibility
- PTSD for administration
- Funding

Rep. Anderson will go talk to Dept. of Education/ Instruction

Rep. Ruby and Rep. Bosch will check with private schools and legislative council

Chairman Damschen will visit more with Rep. Potter

**Time of Adjournment:** 5:21 pm

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1310  
2/10/2017  
28179

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

Minutes:

Attachments #1-#2

Time: 8:30 – 9:30

**Members Present:** Chairman Damschen, Rep. Bosch, Rep. Mitskog, Rep. Anderson

**Others present:** Sara Johnson, Fern Pokorny, Tom Gerhardt, all ND United, Stan Schauer, assistant director of Dept of Public Instruction

### Topics discussed:

- **Liability to school district**
- Catholic private schools would not allow guns in schools
- Extensive training – retired law enforcement
- More comprehensive approach to safety in schools
- Safety IS an issue
- Want an SRO – funding
- Schools aren't buying this
- As written does not require schools to do this
- In beginning of this program, should have background in police force
- Further study puts this off another legislative session
- **Limit to 5 schools?** Any schools? Limit to ones with a distance?
- Collect data – **reporting back**
- **Let the superintendent be involved in the vetting process**
- **Mental screening issue covered in training**
- ND Peace Officers have had the mental screening process
- SD has a policy to use as guidance to add to or take away from
- **Retired police officers may have been trained from another state and may not have same training as ND police officers standards ; additional training**
- Law enforcement always have 1<sup>st</sup> responder training
- Superintendent may have privilege to revoke; school boards approve
- **Active shooter training?**
- Stan Schauer, assistant director with Dept. of Public Instruction spoke

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1310  
2/16/2017  
28458

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

relating to carrying a concealed firearm in a school; to an exception to the prohibition against possessing a firearm at a public gathering.

Minutes:

Attachments #1

Time: 10 AM – 10:56 AM

**Members Present:** Chairman Damschen, Rep. Bosch, Rep. Mitskog, Rep. Anderson

**Others present:** Tom Gerhardt and Fern Pokoryn, ND United; Todd Kranda, Everytown for Gun Safety, Valeri Fischer, DPI; Chief Phil Pfennig, BCI; Brennan Quintus, ND Ins. Reserve Fund, Rep. Heinert

### Topics discussed:

- Proposed Amendment 17.0485.05001 reviewed
- **Pg 1, Section 1, #2- change five schools to 10 schools**
  - **from schools where primary law enforcement is over 30" away. We could say an additional 5 schools where primary law enforcement is over 30" away.**
  - Criteria to be identified by the DPI through the rules processed identified in #1, delineated in the process of the rule making.
  - Could say no more than 10 public or nonpublic schools and develop rules accordingly. Schools furthest out as priority, and a secondary group which are closer
- Limit to 10 schools, Dept. and Superintendent of Public Instruction in charge of adopting rules to administer this section and develop criteria. Also keep track of first 10 public or non-public schools.
- 90 days for action to be taken on plan
- Most large schools have an SRO, the smaller schools do not.

- Create Section 1, 2C The identified schools participate in the department's Emergency Operation Planning Assessment (broader than active shooter) but would supplement this. We were a recipient of 1 of 25 states that received a \$250k grant from the Dept. of Education and Dept. of Homeland Security and assessed 72 schools' buildings and districts. We go out and spend a day in the school, the community, and we evaluate a number of criteria for comprehensive safety and crisis planning. We give recommendations from everything from bussing traffic patterns to which doors should be locked, how visitors should be funneled, fire suppression equipment, all different types of drill procedures to minimize their risk and increase the prevention and intervention opportunities. We give them a recommendation with multiple levels of reports, policy and practice changes, equipment and supplies. Something we would be willing to do for these districts who are chosen. This is not just active shooter, everything from weather related drills to transportation of anhydrous, etc. It's broader than active shooter, but compliments this program and we would be willing to incur to supplement this program. Funding is exhausted. Now it's just out of their budget and do as they can.
- Page 1 Item 3 3<sup>rd</sup> line up from the bottom – active shooter – Val Fischer, DPI
  - Need supportive documentation from law enforcement that says, we believe this school might be most appropriate for this pilot program and would support those efforts because of demands between the city and county, might help find those most in need. This could be part of the developed rules process through an amendment
- Page 2 Item A: Retired law enforcement officers only might be limiting ourselves, or meets the ND requirements for licensed peace officer.
- Page 2 Subsection 4f: successful mental and physical evaluation screenings
  - Mental screening, comes at licensure - They would be able to attend that training at the colleges for instance, pay their own way and would not have to be hired by an agency. That training would give them certification to be licensed. In order to be licensed, they would have to go through mental evaluation screening and have a job, they're employed by an agency within the state. That employment would then give them a license. It would NOT require a mental health screening until they get hired by an agency;
  - Section A in order to be a law enforcement officer you would have to have a mental screening. However, when it says OR meeting the training standards under this 4a, there's no requirement for mental screening. LEOSA – mental screening is not part of that LEOSA;
  - Section F says a physical evaluation;
- Who would provide the **training**? ND Peace Officers Training standards, take the training wherever the law enforcement take the training.
  - Page 2, Subsection 4a: Training should be specified in this section. Section 12 of Century Code
  - 4a – recommend simply to be retired law enforcement officer, insert and after officer so it reads and or

- FASTER program that has been developed and used out of Ohio, provide this level of training for other state. Maybe that program meets the standards of the Ohio program like this.
- Around the state, besides the state run academy in Bismarck, there are also several academies run by colleges. One has satellite programs for people to pay their own way through those trainings.
- Page 1 Subsection 3 (the course Mr. Hammer created and presented to the post board. Anyone can provide a course outline and a person bio to show them have some level of knowledge on the topic, submit to the post board and have it approved for law enforcement accredited training. This speaks only to the training program he had approved. This class would not meet the requirements but would be merely an addendum or added in requirement of some level of peace officer or academy training.
- Page 3, Item 8 school board or governing board, can withdraw a school from participation at any time
- Liability insurance - Brennen Quintus, ND Insurance Reserve Fund
  - Who would own the gun? Would they be employees of the school district or independent contractors? In law enforcement it can be either or. Agencies do provide firearms, and also allow them to carry their own if approved.
  - Covered parties would include a volunteer or employee acting on behalf of the school. An independent contractor would not be covered.
  - ND Insurance Reserve Fund, government self-insurance pool- there isn't information or statistics to base their info on.
- Report back to Legislative management through DPI

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1310

2/16/2017

28482

Subcommittee

Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

Relating to carrying a concealed firearm in a school; relating to an exception to the prohibition against possessing a firearm at a public gathering

### Minutes:

Attachments #1-1A-1B-1C

**Chairman Porter:** Called the committee to order on HB 1310.

**Vice Chairman Damschen:** presented Attachment #1, (Proposed Amendment 05002); Attachment 1A (email from Valerie Fischer); and Attachment 1B (subcommittee minutes), and 1C (Amendment 05001). We met and discussed insurance, the second meeting we pointed out what we didn't like and change it, and came up with several suggestions.

**6:00**

**Rep. Bosch:** Everything you said is correct. After we changed the number to 10, Dept of Public Instructions, through rules, would weigh the applications from rural schools higher than schools that didn't have a long distance from a law enforcement. They would take our recommendation as the committee, and use those thoughts.

**Vice Chairman Damschen:** Continued with presentation of his amendments. I would like to compliment the committee. They were very engaged and helpful. They really thought this over.

**Rep. Seibel:** Under 4F where you have successfully complete a physical performed by a licensed physician who certifies the individual capable of performing the duties of a first, you want that to say first armed responder, like the rest of the bill does rather than just first responder?

**Vice Chairman Damschen:** I think you're correct. Thank you. I would suggest we add that.

**Chairman Porter:** I think based on our human services knowledge, that it should say licensed physician, or family nurse practitioner. That would be the other individual qualified to do that. They work under the arm of the physician so they could do it. Nurse practitioner



are totally alone and separate. We made them separate a couple sessions ago. Ms. Kramer I have a question for you. In the authorization language, and then the right to revoke language when the school board revokes from the individual on Page 3, does that remove their authorization to the exemption in the conceal carry law that they can carry a weapon at a school?

**Ms. Kramer:** I'm leery to say yes, my instinct is to say yes. I didn't write this so I'm not sure what came before it to know the intent. I would think if they're removing the authorization they're specifically exempted from the conceal carry, then yes that would be the procedure that would be followed. I'd prefer to look first.

**Vice Chairman Damschen:** I don't understand what you asked

**Chairman Porter:** If we authorize in Sub 5, we give the authorization to the school board to create the first armed responder. Then we give the school board the ability to withdraw from participation in the program but does the school board withdrawing from participation then state that the individual is also not able to be having the exemption to carry a gun in a school.

**Vice Chairman Damschen:** I think we assumed that because we did discuss whether the person was an employee of the school or if they were contracted, volunteer even.

**Chairman Porter:** so you're confident in the set up that it is a relationship that has to exist with the school board for them to have that exemption.

**Vice Chairman Damschen:** they have to be approved by the school board. They're pretty tough stipulation in here. In 4H, be approved by the school board or governing board to carry a firearm concealed on school property. I think we have that covered on Page 2 4H.

**Rep. Heinert:** Committee, in #5, Page 2, in the center of the paragraph, you have the individual shall attend annual training and recertification training courses consistent of a minimum 10 hours of instruction and skills evaluation assessment. I don't see where who is doing that or who's responsible for it or how that will occur. Do we need to identify a little more?

**Vice Chairman Damschen:** I'm not sure I have the answer. I think we assume there were places that training was done that it could be. I suppose we were a little vague in that.

**Chairman Porter:** I think the language is ok, because it goes back to Page 1 Sub 3, that the course is going to be somebody that's putting the course together. That same somebody that puts the course together is going to create a recertification program for that individual. I think the creation is kind of a chicken and the egg. Once they create the original course, they're going to create a recertification course also. The money is going to drive that, that they're going to say I created the course, I got it certified, I'm going to also have this recertification course as part of it. I think that takes care of itself by Page 1.

**Rep. Heinert:** I just want to make sure everyone on the committee is very clear on the ND Peace Officers Board and what their authority is. They do NOT set standards, they approve curriculum. If a curriculum comes in they just approve it. They do not compare it to any

standards. They say it meets the needs of 40 hours or whatever and the person who did it was certified by post standards to be an instructor. That's all their authority is. They do not provide the standards, nor do they provide the language that must be trained in. I just want to make that perfectly clear.

**Chairman Porter:** I think with the amount of changes to this, since we have to meet tomorrow anyway, it may be just as well that you and Rep. Bosch go up to Council and get us a clean version we can go through with those recommended changes. I think that will make it clearer for everyone to see.

Rep. Keiser: The one provision in this bill that I will never support, ever support, is Item 7 on Page 2. If we should be doing this for this group, why don't we do it for all of law enforcement. If there's a bad actor, you can't sue them. Our law enforcement, all those people are exposed, you've got all the guidelines. If they follow them, it goes to court, the facts determine it, but you are exempting everyone including bad actors from liability. To me that's absolutely unacceptable.

**Vice Chairman Damschen:** I understand your sentiments Rep. Keiser, but in reality, that doesn't accomplish what we've got here. It isn't going to prevent what we'd like it to prevent anyway.

**Rep. Keiser:** I'm sorry, you put this into law, you can't sue. It's that simple.

**Vice Chairman Damschen:** Someone will sue anyway.

**Rep. Keiser:** Well the court will rule on the law. And the law clearly says you can't sue, no matter how bad or how good you were. You cannot sue. You can sue, but you can't win. If this is so good for this group, let's put this provision for all of law enforcement. Boy would that ever be a danger. I know law enforcement might support it. We don't have that provision and protection for law enforcement.

**Vice Chairman Damschen:** We can do with it what the committee wants. We did talk to the insurance reserve fund. The school

**Rep. Keiser:** With this clause in there, there is no risk to the insurance reserve fund. You remove this clause, now you have an exposure for the insurance reserve fund. Absolutely. Again, we don't provide that protection to law enforcement. They have all the training. That was in the other bill. That's one reason I objected to it. You're dealing with kids. If you have a bad actor for whatever reason and they shot up a bunch of kids, they'd be no recourse.

**Rep. Bosch:** So when I read that again. Are we not talking about the training provider in here, not the individual?

**Rep. Keiser:** read the last one. (inaudible, no mic) last sentence

**Rep. Bosch:** under Section 12.1.05

**Rep. Porter:** So it's clear, on your objection, it's just to the last sentence.

**Rep. Keiser:** I think the board has a responsibility to act properly. I think the training operators have a responsibility to train properly, and if any of those groups fail to do that I would like the right to sue civilly, as a parent. If anybody is a bad actor, based on this law, I want the right to sue. This is taking that away.

**Chairman Porter:** Discussion on that?

**Rep. Heinert:** I agree with Rep. Keiser. As we're sitting here reading this, looking at this. I would be more concerned because we're talking about privatized trainers. So that even would immune more people out there that probably are in private business for a reason, and now we're saying private business is immune, even though they're training for us, they would be immune. So I would agree with Rep. Keiser on that.

**Chairman Porter:** Other discussion on Sub 7 on the bottom of Page 2? Is it the general consensus of the committee to have the subcommittee remove that?

**Rep. Lefor:** yes.

**Chairman Porter:** I'm seeing a lot of heads nod.

**Rep. Anderson:** I think we should remove Item #7, there might be some insurance issues then down the road but

**Chairman Porter:** they had an opinion back from the insurance reserve fund that the way the bill was in its original shape did not create an insurance concern for them.

**Rep. Mitskog:** What we heard this morning from the insurance reserve, that if it was an employee or volunteer, the insurance reserve would provide coverage. If it was an independent contractor, they would not cover that individual.

**Chairman Porter:** then the independent contractor would be responsible for their own insurance. So subcommittee, it's the general consensus of the committee to remove Sub 7.

**Vice Chairman Damschen:** Duly noted and we will do that.

**Chairman Porter:** any other discussion on the proposed amendments before they go back to work on them? So those two subcommittees, tomorrow we will take up HB 1279, 1310 and 1336.

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1310  
2/17/2017  
28509

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

relating to carrying a concealed firearm in a school; to an exception to the prohibition against possessing a firearm at a public gathering.

### Minutes:

Attachments #1-#2-#3

**Time:** 10:50 AM – 11:20 AM

**Members Present:** Chairman Damschen, Rep. Bosch, Rep. Mitskog, Rep. Anderson, Rep. Heinert

**Others present:** Rep. Porter: Chief Phil Pfennig. BCI; Val Fischer, DPI; Todd Kranda; Fern Pokoryn & Tom Gerhardt, ND United

### Topics discussed:

- Proposed Amendment 17.0485.05002 reviewed (Attachment #1)
- Replace certified nurse practitioner with advanced practice registered nurse
- Model training program, nationally accredited 1<sup>st</sup> responder course approved by someone? Who would approve it? Who sets the standards?
- National School Shield Task Force (32 hours long) – Page 15 (Attachment #2) model training program by the NSS Task Force for professional training of armed personnel in the school environment. Could say that training program is the only one approved, could set that as the standard
- 1<sup>st</sup> responders have more than 40 hours training. If you use the NSS initiative that should work
- Complete the model training program developed by the National School Shield Task Force
- LEOSA or the other training
- 1<sup>st</sup> responder, retired officer/current ND peace officer license holder, or law enforcement from another state who's attended the NRA course, or meet the requirements Subsection 3.

- Use of deadly course, 24-hour course for law enforcement who'd already been through an academy
- The Ohio program is essentially you have to have a concealed weapons license, and about 16 hours of FASTER (Faculty Administered Safety Training in Emergency Response)
- The school board or governing board must have a PTSP (post-traumatic stress plan) in place for the armed 1<sup>st</sup> responder/everyone after an incident
- 2 national accredited programs, 1 @ 32 hrs, 1 at 16 hrs, we create a course with a minimum of 60 hr course; SD has a school sentential program
- Can withdraw anytime
- #9 Any school participating in the program
- Training at the level of the SD Sentinel training program – setting that as your standard of 80 hours of training, valid conceal permit (Attachment #3)

**Chairman Dampschen:** the change we have basically says the selected individual would meet the training according to the SD Sentinel training program (not the exact wording). Then on Page 2, Item 4, Subsection 4 under A, be a retired law enforcement officer or meet requirements of Subsection 3. Another change is an advance practice register nurse goes in instead of certified nurse practitioner. Add new #7 requiring the schools to have a PST program in place, move 7 to #8 and 8 to #9.

**Rep. Anderson:** moved the changes to amend the amendment

**Rep. Bosch:** second

All voted aye Motion carried.

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1310  
2/17/2017  
28512

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

### Explanation or reason for introduction of bill/resolution:

Relating to carrying a concealed firearm in a school; relating to an exception to the prohibition against possessing a firearm at a public gathering

### Minutes:

Attachments #1

**Chairman Porter:** Called the committee to order on HB 1310.

**Vice Chairman Damschen:** presented Attachment #1, (Proposed Amendment 05002)

**Chief Agent Phil Pfennig, BCI:** Regarding #3 on Page 1, goes on to Page 2. The items outlined in the training section that Mr. Hammer spoke of, in order to have your training approved ND Post Board. It's simply a matter of providing a curriculum, an outline, and explaining what your experience is. If someone seems credible in their biography, they show they have what makes some sense in a training curriculum, it's approved through the post board. When reviewing this amendment, if you look at 4A, the requirement that the individual be a retired peace officer, or meet the requirements from ND Peace Officers Standards and Training, that obviously exceeds the training requirement under #3, in fact by quite some measure. If you look at the requirement under training, 40 hours of training, and the number of topics, you're looking at an average of 3 hours on average per topic. Those items are probably kind of difficult to get to a level of proficiency at that short amount of time. Whereas 4A, indicating the level of training of a peace officer, again, far exceeds what #3 would be. In a manner of speaking, somewhat redundant, but also potential confusing as far as what the requirement would be with this amendment.

**Chairman Porter:** I look at #3 as setting the standard for the non-law enforcement officer. When I look at #4A, they either are a retired law enforcement officer or meet the state requirements for peace officer standings in training. How would an individual get that training? A non-law enforcement officer, how would they get that training. Is that the course then you're talking someone like Mr. Hammers would set up and establish that mirrors the peace officer standards in training course?

**Agent Pfennig:** Through the work with the subcommittee, my understanding in what they discussed was a concern that the person selected would have enough training to really be

able to provide a good security person for schools. So when they selected or chose this language, it was my understanding they were seeking someone who had that level training of a peace officer. That could come from someone as a retired law enforcement officer as it states. It could come from someone who was trained as a law enforcement from another state and moved to ND. There is a peace officer training program that initially started in Devils Lake. This is a program that individuals can put themselves through. It doesn't require the person to have gone to become hired by an agency to be put through the state academy in Bismarck. They can elect to put themselves through this training. That course is offered throughout the state at different times of the year through Bismarck, besides Devils Lake, Bismarck, Fargo, Grand Forks, and I believe they're looking at a program in Minot as well. So that training is available outside of being a licensed hired police officer.

**Chairman Porter:** So your thought process on this is that the only route into being a 1<sup>st</sup> armed responder, is through the regular peace officer training course.

**Agent Pfennig:** That was something I understood from people that were testifying against the bill that they sought and wanted to see someone who was certified as a police officer to be the person responsible to do security in schools. I think it was the heart behind the subcommittee's idea for this pilot program to go out into the schools. To have someone who had that level of training, that they could rely on to be impartial and fair in their job to be security in a school system, or 1<sup>st</sup> armed responder.

**Chairman Porter:** Does this training exceed what a private armed security officer would receive that would be working for a private company, an armored car company carrying a side arm that is totally unrestricted and can walk into a school and empty the ATM with a sidearm?

**Agent Pfennig:** This training would exceed what they receive, yes

**Vice Chairman Damschen:** I would suggest we strike #3.

**Chairman Porter:** I think from my standpoint you're severely restricting who can fill this role in those rural communities and I like the fact of #3 from the standpoint that Ohio FASTER program and the ability to train someone in just that standard of firearms, the use of deadly force, we have individuals that go through a course as a private security course that can carry a weapon on school property that are trained less than what #3 is telling the schools to do. I'm having a hard time going up to that Peace Officer's standard because there's a lot of things inside of that, that have nothing to do with being the safety officer or 1<sup>st</sup> armed responder for a school. I think #3 needs to stay in.

**Rep. Keiser:** The way this bill is written, #3 currently is irreverent, as the chairman would like it to be. Because subsection 4 says MUST.

**Chief Pfennig.** That's the way I read it also.

**Rep. Keiser:** If we want to create a second avenue for training, we have to take that or reword some of these items so they would qualify. I'm not sure #3 is worded in a way that it does what the chairman is suggesting, at all. It could be worded differently.

**Chairman Porter** it would need to be an "OR"

**Rep. Lefor:** You're stating earlier that #3 with 40 hours of training will include all those areas at about 3 hours training for each of the areas

**Chief Pfennig** That would be my opinion.

**Vice Chairman Damschen:** I don't disagree with you about #3. I have reservations if that would be accepted. We were given the feeling people wanted that to be really restricted. My personal preference would be to lean to your thinking. This being a pilot program we've wondered if we should tighten it up and get it operational and fend off some of the resistance.

**Rep. Lefor:** I can understand the desire for rural schools have something like this in place so they can take their time down from 30 minutes to 5. I would like to see us take baby steps, make sure this passes, see how the pilot program works, and if in 2 years, take out #3, keep it to law enforcement standards. Take #3 out, have it pass, the schools will be comfortable with.

**Rep. Bosch:** I'd like to add that if we took #3 out, left #4 as is, the training providers would then find training between 40 hours and the program they have now that would better fit.

**Rep. Mitskog:** I would agree with Rep. Lefor's comments. If the training requirements are too minimal, I think we'll run into opposition from schools. In my conversations were who would that person be with that level of training. I'd like to see #3 removed as well.

**Rep. Keiser:** We have 2 thought processes going on here. To use the Section 4, but also providing the 2<sup>nd</sup> avenue for people to come in here. If we take out Section 3 and don't modify it, I don't have a problem with that. The dilemma then is, when I read Section 4, who's really going to do that? It's a pilot program that won't be used. This is the definition of a full time resource officer. School from the morning to the afternoon, 5 days a week, who's going to do this other than a resource officer which means the taxpayers of the school district are going to have to pay for this. I don't know where you get a volunteer for this. Maybe a teacher or administrator. This looks like a full time resource officer in the school.

**Chief Pfennig:** I can see where you think that and probably isn't too far from the truth. It's a retired police officer that's donating their time, they might not work 8 hours a day in the school, maybe only a few hours here and there depending on the wishes of the school board, etc. It might be someone who thought they might like a career in law enforcement but decided it isn't for me, and decided to do something else, but has that level of training and maybe have that level of desire to give back to their children, schools and community.

**Rep. Mitskog:** Follow up on that, possibly a volunteer, a retired law enforcement law officer, not present in the school, but initial response, could that be a possibility?

**Chief Pfennig:** yes, that's always a possibility.



**Rep. Lefor:** If the school districts really want, that's their responsibility to find the right person isn't it?

**Chief Pfennig:** that's correct.

**Chairman Porter:** (1) I think the bar inside this is set so high you won't get anybody. If it's truly a pilot program that we want to give flexibility to rural schools, you need Sub 3 and you need to change the language in #4. (2) My other point is you have a certification process for private security people that can legally carry a weapon in the school but won't meet this standard, but they're already legally carry a weapon in a school, and (3) we already passed the LEOSA standard which gives a retired police officer the ability to already carry a weapon inside of a school and this puts a higher onerous on that retired officer carrying a weapon in a school. Why would we say a retired police officer needs to possess a valid Class 1 when we've already given them a LEOSA permit that they can carry inside of a school. I understand the subcommittee, the input they received, but I think it's been made into something that won't do what we thought it would do, by removing Sub 3. Even if we increased hours to 60, so we make it a more training course would be smarter than to take Sub 3 out.

**Rep. Heinert:** Page 2 #4A, basically the only person that could accomplish this is a ND retired police officer. A piece officer from another state that would move to ND to become certified under the state requirements of the peace officers standard training says, must attend 2 weeks of the academy, under criminal law and traffic law sections and successfully pass those. That's 80 hours of training they'd attend if they wanted to do this. #3, I suggest we add in post shooting training. We're providing all this training up to the shooting. The people that are going to be doing this and the school boards that are going to be reading this need to understand there's probably more after the fact. Situations they're going to be dealing with and (2) I would suggest we remove the total hours of training and put in something about meeting the national standards of the Ohio plan.

**Chairman Porter:** In subsection 3, 4 lines down, if we put a "period" after "curriculum" and got rid of everything else, would that accomplish what you just said? Or do we need to say first time national curriculum.

**Rep. Heinert:** My recommendation, would be, yesterday I referenced the ND Peace Officers Standard Training Board, they just approve curriculum, they don't establish the requirements of the curriculum. We'd be much better off removing it before that and identify the national course we want them to be certified in.

**Rep. Lefor:** If we were to take the Ohio standard, I'd want to feel comfortable that someone is comfortable in all those areas, 40 hours doesn't do it for me. What you know about the Ohio program? Do you know enough to say that would properly train someone to handle a crisis situation?

**Chief Pfennig:** I don't have enough knowledge on that program, and I could research it.

**Rep. Heinert:** The reason I would push the National Ohio Standards is because it's a national standard and have taken into account just about everything you can think of in

reference to school instances with school shooting. Just because it's a national training I would be comfortable saying for a pilot project.

**Rep. Lefor:** You'd be comfortable with that training; they're would be enough training for that?

**Rep. Heinert** That's not a yes or no answer. In my years with law enforcement for 37 years, you don't know. Personalities are going to kick in. We also know in law enforcement high stress situation; any emergency services situation, we train for high stress. There's studies that show you're training kicks in and you automatically react.

**Chairman Porter** I think the key inside of anything in the 1<sup>st</sup> responder fields, whether it's EMS, fire or law enforcement, they all recognize that some post-traumatic stress counseling be made available. Counseling needs to be available in all of those situations. Further questions? We're going to stand at ease for the subcommittee to meet.

**Rep. Devlin:** On 4F, I thought we were talking about advanced nurse practitioner or even a family nurse practitioner. I don't recall certified nurse practitioner being in the conversation. I also didn't recall the mental health evaluation.

**Chairman Porter:** Mental health was talked about; it was not in before. They can double check if that's the proper verbiage for the family nurse practitioner out of the nurse practices act. They can double check that. I think you're right with advanced, I think it's in the Century Code.

**32:50** Stopped for subcommittee meeting. Porter added Rep. Heinert to the subcommittee.

**33:50**

**Chairman Porter** called the meeting back to order. We had a subcommittee meeting on HB 1310. Still some areas that needed to be worked out. Rep. Mitskog found the SD Sentinel Program which appears to be a very good standard to set our bar at. Vice Chairman Damschen will walk through how the hohouse amendment will look.

**Chairman Damschen:** Thanks Rep. Mitskog for finding the SD Sentinel program. He stated the changes:

- 1) Page 1 #3 the selected individual to complete training outlined in the SD Sentinel program. That may not be the exact wording but conveys the thought.
- 2) Page 2, Subsection 4A: a retired law enforcement officer or meet the requirements of Subsection 3
- 3) In 4F, we change certified nurse practitioner to advanced practiced registered nurse
- 4) After 6C we add a new #7 requiring the schools to have a PTSD (post-traumatic stress disorder) program in place

**Chairman Porter:** Questions?

**Vice Chairman Damschen:** I would move the amended amendments

**Rep. Anderson:** second

**Chairman Porter:** we have a motion from Vice Chairman Damschen, second from Rep. Anderson to move the redraft of the amendment 05002 as stated. Discussion? All in favor say Aye, Opposed. Voice vote, motion carries.

**Vice Chairman Damschen:** I would move a Do Pass as Amended on HB 1310.

**Rep. Mitskog:** second

**Chairman Porter:** We have a motion from Vice Chairman Damschen, second from Rep. Mitskog on a Do Pass as Amended on HB 1310. Discussion? Clerk called roll call vote.  
Yes 10      No 2      Absent 2      Motion carries. Rep. Heinert is the carrier.

February 17, 2017

2/17/17 DB  
1 of 4

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first ten public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder;
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
  - c. Participate with the superintendent of public instruction in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training equivalent to the South Dakota school sentinel program.
4. An individual selected to become a first armed responder for a school participating in the pilot program:
  - a. Must be a retired law enforcement officer or meet the requirements of subsection 3;

2/17/17 DP  
2 of 4

- b. Must be a citizen of the United States;
  - c. Must be at least twenty-one years old;
  - d. Shall successfully complete a criminal background check and must be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
  - e. Must be a high school graduate or meet equivalency standards;
  - f. Shall successfully complete a physical performed by a licensed physician or an advanced practice registered nurse and a mental evaluation by a qualified mental health provider who certifies the individual capable of performing the duties of a first armed responder;
  - g. Shall successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Must be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Shall possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
  - a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.
7. The school board or governing board shall approve a post-traumatic stress disorder treatment program for armed first responders.
8. The school board or governing board may withdraw a school from participation in the program at anytime.
9. A school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner

requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- 2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual; ~~and~~
  - m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and

2/17/17 DA

n. An individual authorized to carry a concealed weapon on school property under section 1 of this Act.

4 of 4

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

Date: 2-17-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1310

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation

- Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar

Other Actions

Reconsider

accept changes to amendment

Motion Made By Rep Anderson Seconded By Rep Bosch

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment

voice vote motion carried

If the vote is on an amendment, briefly indicate intent:



Date: 2-17-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1310

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0485.05003 06000

Recommendation

- Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar
- Other Actions     Reconsider     \_\_\_\_\_

Motion Made By Rep Damschen Seconded By Rep Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

*Vote  
carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*redraft of 05002*

Date: 2-17-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1310

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation

- Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar

Other Actions     Reconsider     \_\_\_\_\_

Motion Made By Rep. Damschen    Seconded By Rep. Mitskog

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	AB	
Rep. Devlin		✓	Rep. Seibel	AB	
Rep. Heinert	✓				
Rep. Keiser		✓	Rep. Mitskog	✓	
			Rep. Mock	✓	

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Heinert

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1310: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1310 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first ten public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder;
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
  - c. Participate with the superintendent of public instruction in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training equivalent to the South Dakota school sentinel program.
4. An individual selected to become a first armed responder for a school participating in the pilot program:
  - a. Must be a retired law enforcement officer or meet the requirements of subsection 3;
  - b. Must be a citizen of the United States;
  - c. Must be at least twenty-one years old;
  - d. Shall successfully complete a criminal background check and must be approved by the local law enforcement agencies with jurisdiction

- over the school premises at which the individual will be a first armed responder;
- e. Must be a high school graduate or meet equivalency standards;
  - f. Shall successfully complete a physical performed by a licensed physician or an advanced practice registered nurse and a mental evaluation by a qualified mental health provider who certifies the individual capable of performing the duties of a first armed responder;
  - g. Shall successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Must be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Shall possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
- a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.
7. The school board or governing board shall approve a post-traumatic stress disorder treatment program for armed first responders.
8. The school board or governing board may withdraw a school from participation in the program at anytime.
9. A school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual; ~~and~~
  - m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and
  - n. An individual authorized to carry a concealed weapon on school property under section 1 of this Act.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Re-number accordingly

**2017 SENATE JUDICIARY**

**HB 1310**

# 2017 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB 1310  
3/14/2017  
29183

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Pam for Ann Feltner*

## Explanation or reason for introduction of bill/resolution:

Relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**Minutes:**

**Testimony attached #**

1,2,3,4,5,6,7,8,9,10

**Chairman Armstrong** called the committee to order on HB 1310. All committee members were present.

**Todd Porter, North Dakota State Representative District 34 (:30 – 6:30)**, introduced and testified in support of the bill. No written testimony.

“A couple of things. This was an emotionally charged bill. This is not a guns in school bill nor an armed teachers bill. This bill is a response to what we heard in rural schools where there is a long response time to those schools in case of an emergency. We wanted local school to have the ability to deal with issues when they do not have law enforcement in their community. We limited it to 10 schools as a pilot project. We looked at the Ohio program. We choose the SD Sentinel Program that is 80 hours of training for school officer training. We said a retired police officer can fill this roll. We did not define retired. It is defined elsewhere. So we gave the schools the option to manage their safety based on what they think is best. We added on page 3 that the school must have PTSD program for its sentinels. We want you to fix on page 4 line 26, where it says of this act, add to restricted to carry in this school property only. That sentinel is restricted to that school only to carry a fire arm. I just want to say again that this school is not an armed-teachers bill, it has nothing to do with that.”

**Rep. Dwight Kiefert, District 24**, briefly testified in support of the bill.

“I won’t take much time I just want to say that this bill is a good idea.”

**Paul Hamers, Municipal Judge, retired Army noncommissioned officer, teacher, historian, NRA member, and firearms expert (8.00 – 18:15))**, testified in support of the bill. (see attachment 1,2)

**Dr. Chris Kopacki, NRA member**, briefly testified in support of the bill. **(18:35)** Currently, 23 states do allow some type of carry on school grounds with permission. This is not arm our teacher. Usually schools have a school resource, but not all have the budget for this. It seems reasonable to have a trained authorized carrier of a firearm to be present to protect teachers and students. Any questions?

**Craig Roe, North Dakota citizen and firearms instructor**, testified in support of the bill.

"This is a good start. It's a pilot program so we can figure out how efficiently this works in a few years. Everything is in here and not much left out." **(20.00-22.00-inaudible)**.

**Chair Armstrong**: Any more in support? Any opposition?

**Nick Archuleta, President of North Dakota United (22:20 – 25:30)**, testified in opposition of the bill. (see attachment 3). It is true that this is not arm a teacher bill. But it could be harm the teacher bill. We have done some polling out our members. We are opposed to anybody, except trained law enforcement officers or school resource officers being in possession of a weapon ion the school. We heard this is tied to the SD schools. What about liability. Law enforcement does not make it a practice to train non-law enforcement people. It was stated that law enforcement would train in this bill. What if SD changes their plan? Do we then change our plan? We have issues with the insurance.

**Senator Luick (25:35)**: "How do the schools insure if they have a school resource officer on their school?"

**Nick Archuleta**: "I think they are employed by the city and considered school employees."

**Charles Woock, retired military officer, high school teacher, International Defensive Pistol Association (IDPA) safety officer, NRA instructor (27.48– 39.00)**, testified against the version that is here now. Originally I was in support. The original bill was far better than this bill. (see attachment 4)

"This bill before it was Amended was a lot better than this one is now. I do not support this new bill."

**Michael J. Geiermann, attorney, Bismarck, ND, North Dakota Education Assoc. (39.01 – 46:30)**, testified in opposition of the bill. (see attachment 5). Teachers are against this bill. They do not want guns in schools. I was unable to testify in the House. I also represent police officers.

**Chairman Armstrong (43:15)**: If I am defending a client in a DUI trial, in a SW North Dakota county and I have the only deputy and only sheriff subpoenaed to be witnesses in my jury trial. Then something happens 37 miles away in another community in the county. What is the alternative. Currently, Dickinson officers would have to respond because they would be closer than where I am. I understand the stressful situations. 80 hours training or 37 response time and that is the question no one ever answers for me. The reality is if there is only one person with a gun, then what if he or she runs out of ammunition. The solution would be a posse formed in that town and hence the solution. I represent small towns and have school districts all over the place with few law enforcement total. Which alternative is better?



**Michael Geiermann:** We can have scenarios all over the place. I would rather have the 37 minutes. When you miss in a school setting, bad things will happen. Where will the bullet go?

**Senate Chairman Armstrong:** "So you want it authorized or mandated?"

**Michael Geiermann:** "Mandated." (46.30)

**Senator Luick (49.40):** So that awful scenario where you do have 45 min later, you would say that have it until someone else gets there?

**Mike:** Armstrong's question only gave me two alternatives. There are other alternatives, it's a team approach. School districts have got to be training and have resources to lock the school down. The scenarios are shocking.

**Senator Luick (51.10):** I agree; it would be shocking. I know, my wife is a teacher, and if my children are in there, I would much rather have someone in that school house who is packing. Maybe get there in five or ten minutes to try and stop the carnage. That is where we are at in the local small towns.

**Mike:** I understand that, I just wanted to tell you about the highly trained officers I deal with that miss and do not want to get in the situation. Just because you have a first responder in the school, does not mean he will be effective. (52.08)

**Russ Ziegler, Assistant Director, North Dakota Council of Educational Leaders – (52.21:1.04:30)** (see attachment 6), testified in the building when Columbine happened? Are you aware that there were two SRO's in the school building?

**Senator Larson:** Are you aware that the training technics changed drastically after that event.

**Russ:** Yes, I did. But we are still asking for only 80 hours of training. He continued. Please put your place in their shoes.

**Senator Myrdal (54.00)** I think I would think the opposite.

**Russ:** That is a shame you would think that. He went on to reading testimony. (55.15)

**Senator Larson (1:00):** "Do you think a law enforcement officer in a small town would also know Johnny?"

**Russ Ziegler:** Yes, but they are trained for that. He continued reading. (1.00.24-1.04.27)

**Senator Luick:** How many students slip through the cracks in ND that don't graduate, or just fall through the cracks?

**Russ:** Not sure what you mean?

**Senator Luick:** Let's say these kids are the ones that we know that come back to schools. Getting help and getting them back on track. How many in ND?

**Russ Ziegler:** I think that's a hard question to answer because schools and mental health agencies have not communicated. That's part of the problem. Right now there is a bill going

through that is trying to fix that. We are trying to fix that, but I think there are a lot of kids falling through the cracks.

**Senator Luick** (1:06:40): How can we possible keep up with that problem?

**Russ**: We have to start communicating more. Have to set up more programs with all people in mental health area.

**Senator Luick** (1:07:17): The cost of doing something like the program you're talking about is what?

**Russ**: I'm sure, but it would be very expensive; but what is the cost of something going into school and shooting people.

**Senator Luick**: I agree, but I think the larger school districts have the money to fund that, but the rural schools don't.

**Senator Osland** (1.08.20): Were talking about training, training, training. How would you adequately train those people if they weren't past police officers?

**Russ**: In my opinion, it should only be a school resource officer.

**Senator Osland**: So what would the training be like a deputy which varies from a few months to formal education?

**Russ**: It would be a licensed police officer first and they go through the school resource officer training that the department puts on.

**Chair Armstrong**: More opposition?

**Frank Schill, Superintendent of Edmore Public School**, testified in opposition of the bill. (see attachment 7) (1.10.42) I would like this to be further studied. Please add an amendment. If the shooter is in one end of the building, and the conceal and carry person is at the other end of the building, it will take time to get to other end of the building. If your staff and students are trained on how to run, hide or fight, they then can respond immediately. Make each district fully equipped to respond to an armed intruder.

**Chairman Armstrong** (1.13.35): Outside of this issue, can't each schoolboard do that now? There is a huge difference between small rural school and a big school. I wouldn't see any reason why a local school board couldn't implement those policies right now, is there?

**Frank Schill**: There's no reason why they can't. Last session, the legislature had no problem with mandating. I think you should mandate there to be an aggressive response plan training in each district.

**Senate Myrdal**: Do you have any idea, regarding the rural schools, how they are applying security things? My district has lock downs but they don't seem to be doing any good. Can you give us any examples of what these schools do?

**Frank Schill:** The majority have lock downs. They try to have all their doors locked except the main entrance. Some schools receive monies to do a do lock system and microphone system at the front door as well.

**Chair Armstrong:** More in opposition?

**John, Missoula, Montana:** testified in opposition of the bill. No written testimony.

He told a story of 1986 and he was a vice principal in Lewistown, MT. I was walking down the hall and heard a loud unusual noise. I ran upstairs and turned the corner and found myself face to face with a 14-year-old student holding a gun. He shot me twice. I survived and had long rehabilitation. The French teacher dies that day and she was the intended victim. We all are still haunted by that memory today. It seems school shooting are more common as year pass. Guns do not belong in places where are children learn and play; especially in k-12 schools. I urge the committee to strengthen laws to keep guns out of dangerous hands. I believe even if I would have been armed that day, I would not have been able to stop anything that resulted. It was total confusion that day.

**Todd Kranda, attorney, (1.21.35):** testified in opposition to give information on towns position. (see attachment 8,9)

**L. Anita Thomas, North Dakota School Boards Association,** testified in opposition of the bill. (see attachment 10) We deal with safety.

**Chair Armstrong:** Agency testimony.

**Dan Donalin (1.26.15), Chief of Police, Bismarck, ND:** testified in neutrality of the bill. No written testimony. The bill has been changed since I testified in the House. I have been on a SWAT team. I think this will come up again if it does not get passed. I am not militarily trained. I am not conditioned to kill. I have shot and killed a person in line of duty. It is not fun to go through. I am conditioned to protect lives. God decides if someone dies or not. Not me. We are humans. In response to shooting little Johnny, there are consequences that may be more difficult to live with if you decide not to shoot Johnny. Then the next kid goes down, and then next one. And one and on.

**Chairman Armstrong (1.30.15):** If we limit it to retired law enforcement, why do we need the rest of the bill?

**Dan:** I'm not saying retired officer should be the only kind. It has to be someone that has the fabric to do that. Comes down to training. Training is key.

**Senator Luick:** How effective are Tasers and at what distance? And are they considered a weapon same as a hand gun?

**Dan:** No, they are not considered the same as a handgun. They are less effective. They are short range; many people can resist. Not a 100% on someone. I believe it is 20-25-foot distance. That first charge, you have 5 seconds to have follow up and do something. We have to remember in North Dakota that we wear thick clothes. The probes do not penetrate.

**Senator Luick:** What type of training is needed?

**Dan:** I'm not sure, exactly, but for us, it's about a 6-8 hours of training for that.

**Senator Luick (1.33.15):** What would happen if more teachers were trained in carrying Tasers and carried those?

**Dan:** We tell our officers that a Taser is no match for a gun. In a school setting I would be concerned with it getting in the wrong hands.

**Chair Armstrong:** Any more testimony? Hearing is closed.

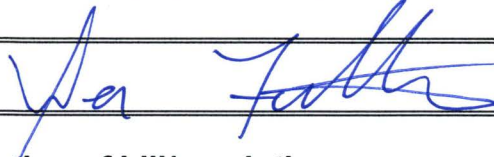
# 2017 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB 1310 Re-convene for testimony  
3/22/2017  
29559

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**Minutes:**                      **No written testimony**

**Chairman Armstrong** began the discussion on HB 1310. All committee members were present.

**Chairman Armstrong:** "The point of this quick hearing is to get testimony from Brennan Quintus; he couldn't make it the other day so I asked him to come today."

**Brennan Quintus, North Dakota Insurance Reserve Fund**, testified in support of the bill. No written testimony.

**Chairman Armstrong:** "What effect would passing this bill have on the NDRF?"

**Brennan Quintus:** "I will just outline a little bit how we approached 1310 when it was introduced. First glance it looked like a serious liability disclosure."

**Chairman Armstrong:** "Is this the marked up version or original version?"

**Brennan Quintus:** "Both versions would present similar liability challenges. We dug into the liability issue and fortunately there isn't a lot of information in data surrounding liability exposures with active shooter incidents in schools. There just aren't a lot of school shootings to base it off of. We visited with other states and every state we visited with said they would provide the coverage. The underlying standards buried by state, some states had strenuous liability issues that states would have to meet to get coverage, and other states there were no underlying standards and there was no charge. So it kind of went across the board how others states are handling this."

**Senator Myrdal (2:40):** “What is happening now? Let’s say we don’t implement anything as is; it stays as is and you have a school that has a horrific event, where does that liability stand right now?”

**Brennan Quintus:** “It just depends on the situation. It depends on the facts of the matter and what the response is like, what kind of policies the school had in place at the time and whether they followed those practices or policies, etc. But there certainly is a liability exposure right now if there was an active shooter situation in a school.”

**Senator Osland (3:40):** “Do you have any data on like the larger schools, larger cities, that have officers? You insure some of those I assume, so do you have anything in your policies that talk to that at all?”

**Brennan Quintus:** “Currently, we don’t have an exclusion in our program that would apply specifically to either a school resource officer or a situation that would be implemented rising out of 1310 if it would be passed. So currently, there is nothing in our coverage program that would exclude coverage for a school that would follow through and implement a program like this. Generally speaking, if a member of the NDRF is lawfully doing something, whatever that may be, as long as it is lawful we will try to find a way to cover it. That’s been our general stance, historically.”

**Chairman Armstrong:** “I’m assuming you will look at two things that would affect it: the passing of the law and the implementation of any particular program?”

**Brennan Quintus:** “Correct. We would continue to monitor the situation and we could take steps in the future depending what the law says and what schools are implementing a program like that.”

**Senator Nelson (6:20):** “So my school district has school resource officers, Senator Myrdal’s doesn’t. Do we pay different premiums? How does NDRF fund their activities? I carry extended liability insurance because of one particular job I have, just to save my assets. But the Fargo school district is huge compared to her school district. Is it based on students? How do you charge these people out?”

**Brennan Quintus:** “From a school district standpoint our primary charge is based on enrollment. There’s a rate that’s applied to the number of students. There could be other things the school district is involved in that would force us to charge a little bit more if there are additional liabilities for it.”

**Chairman Armstrong** ended the discussion on HB 1310.

# 2017 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB 1310 Committee Work  
3/27/2017  
29705

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**Minutes:** **No written testimony**

**Chairman Armstrong** began the discussion on HB 1310. All committee members were present.

**Senator Nelson** motioned Do Not Pass. **Senator Larson** seconded.

**Chairman Armstrong:** "There's two ways to look at this bill. Either the amendments made it completely unworkable and nobodies happy, or the amendments got somewhere close to the middle and nobodies happy."

**Senator Myrdal (:55):** "I did work on some amendments but I'm not going to submit any."

**Senator Nelson** motioned Do Not Pass. **Senator Larson** seconded.

**Senator Larson:** "To me, this really seems like a local control issue. A constituent gave me like 15 articles to read and I read them. I understand that you can't really identify some of the things in there; like you can't identify who the school shooter is going to be. This bill won't apply to schools in Bismarck or Fargo, and in some of those areas where they have a school resource officer as part of their staff and emergency plan and so they are protected that way. This is for parents and teachers to be able to bring to a local schoolboard the request to have someone in that school with their children to be armed in case of a school shooter. So I will not be supporting a Do Not Pass on this bill because I think this is only fair to the local school districts to be able to make that decision for themselves."

**Senator Myrdal (4:00):** "I agree with Senator Larson's sentiments. This is an option for the rural schools who don't have the resources bigger schools do. This will hopefully never, ever happen, but I will not support a Do Not Pass either."

**Senator Nelson:** "Since I made the motion I guess I'll say something. The one thing that came from the testimony from schools, teachers, and administrators, was that we don't want this. They're the ones that have to do it. We also heard that the plans that are applied in the bill haven't necessary worked, and we are using them for the basis of putting something together, well, I just don't see it. Parents don't seem to want it either. I don't believe we should have guns in schools unless they are specifically authorized to use them, like school resource officers."

**Chairman Armstrong:** "Just so everyone knows, they are calling this bill the same as the Ohio program but it is not the Ohio program. It is the same as the South Dakota program, but not the Ohio. What they base this off of is something that the DPI would have to do."

**Senator Nelson (6:50):** "That's another thing, I don't see this as DPI's job. I think they should do instructional things with their students and make sure they get the best education; not do all these other extra things we assign them."

**Senator Osland (7:25):** "I spend more time concerned thinking about this bill then I'd like to. We're not mandating one thing; we are allowing people to do this under the laws of the state of North Dakota. If they elect to do this, then they are duty bound to train and to see that they do things the best they can, and I think they will."

**Senator Myrdal (8:25):** "I agree with Senator Osland. As a schoolboard member, this is a local control issue to me. I think DPI does a lot more than educational training. I think this is for the safety of students and staff."

A Roll Call Vote was taken. Yea: 1 Nay: 5 Absent: 0.  
The motion failed.

**Senator Larson** motioned for a Do Pass. **Senator Luick** seconded.

A Roll Call Vote was taken. Yea: 5 Nay: 1 Absent: 0.  
The motion carried.

**Senator Larson** carried the bill.

**Chairman Armstrong** ended the discussion on HB 1310.



**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1310**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Nelson    Seconded By Senator Larson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong		X	Senator Nelson	X	
Vice-Chair Larson		X			
Senator Luick		X			
Senator Myrdal		X			
Senator Osland		X			

Total (Yes) 1    No 5

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1310**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Larson Seconded By Senator Luick

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson		X
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Larson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1310, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)**  
recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1310 was placed on the Fourteenth order on the calendar.

**2017 TESTIMONY**

**HB 1310**

1-27-17  
#1  
HB 1310

HB 1310

Good morning, Chairman Porter and the rest of the committee.

For the Record, my name is Rep. Dwight Kiefert, I serve District 24 which is all of Barnes County, the North Half of Ransom, and a Western Portion of Cass County.

The intention of House Bill 1310 is to increase the level of protection to our most rural Schools.

In our state we have Schools that are up to an hour away from the closest law enforcement office.

In my district, we have schools that are over a half our away from the closest law enforcement office.

What the bill does is to give the school district local control of decisions where armed personnel could be employed.

This is a permissive bill, passage of this bill will not mandate any school to participate.

This bill if utilized will not force any school staff to participate.

Our hope would be the school would have someone on staff who is willing and capable to receive the required training to be a first responder to an attack on the school.

The school would have the authority to hire someone to be trained to fill this position.

In the past, the opposition seemed to be in favor of a Resource Officer, but not receptive of having someone else trained. What seems apparent is that they are concerned about the training, we hope that this bill addresses their concerns.

Every school has a different situation, at one of the schools in our district, we have a retired police officer that is already SWAT trained that could be utilized if this bill were passed.

Currently 24 States have enacted similar legislation, with South Dakota being one of the latest.

In our District we have two Resource Officers shared between six schools. They would only be at best at any given school 25% of the time.

The present plan where there is not a Resource Officer, the kids are told to make a run for it, hide if possible, and if confronted by a shooter to fight.

We need to do more than this.

We have professionals here to answer your questions regarding the training required, the insurance, and why we recommend executive session.

With that I will take any questions you have.

Chairman and Committee Members  
65<sup>th</sup> ND Legislative Assembly  
House of Representatives  
Energy and Natural Resources Committee

#2  
27 January 2017

HB 1310

I am Paul Hamers, a native North Dakotan, retired U.S. Army Noncommissioned Officer, teacher, military historian, NRA Life Member, and one of the few civilians recognized by ND Peace Officer Standards and Training Board as a subject matter expert in firearms and tactics instruction. I am formerly president of the teacher's local, ND United member, lay leader in the Salem Methodist Church, and currently serving as the Municipal Judge for the city of Napoleon.

Just last night I was reflecting on the past, the present, and the future. I was clearing my mind before sitting down to finalize written testimony in support of this bill, HB 1310. A voice inside me said, "What you have written is all wrong!" I scrapped that draft.

What is it that we all want? We want our kids to be safe. I reflected on Columbine and I remember my initial reaction as it unfolded on CNN. The law enforcement barricade and contain technique left responding officers waiting outside while carnage ensued inside. I reread the timeline from Sandy Hook and realized that although police training had evolved in response to the growing active killer threat, thirteen years did not solve the response time problem; the time difference between realizing there is a threat and dispatching individuals equipped to end the threat.

In both the cases of Columbine and Sandy Hook, teachers did what they were training to do; they attempted to safeguard the lives of the students in their care. Unfortunately, in both instances the teachers were ill equipped and lacked the proper mindset to confront the level of violence that each faced.

During the 64<sup>th</sup> Legislative session, I testified that I could not support arming school staff unless the training component was mandatory. The version of the bill that passed the House and moved forward to the Senate did include mandatory training, but did not specify what type, how much, or by whom.

The version of HB 1310 that you have before you today addresses all known shortcomings in previous bills that attempted to authorize local school districts to arm staff members. No one knows the needs of the local district better than the local populace. We should not be afraid to empower the local district with this option in the same manner that it is our duty to empower teachers with the means to safeguard students from cowardly killers.

Looking at HB 1310 as written there is a minimum requirement that candidates possess a ND Class 1 Dangerous Weapon License. This requirement serves several important purposes. Candidates are screened for criminal and mental history. Candidates have a basic understanding of ND laws governing the use of force. Candidates have demonstrated a minimal working knowledge of handguns and passed a moderate weapons proficiency qualification. Combining the Class 1 license process and local school board's intimate knowledge of the personal living and working in their schools provides a fair indicator of appropriate First Armed Responder candidate selection.

Policing represents a broad approach to containing and investigating crime. This means that the majority of training received by law enforcement officers is irrelevant to the task of stopping an active killer. A broad approach is actually detrimental to the rapid response that is required during an active killer event. The uniqueness and narrow scope of an active killing spree requires a training focus that is narrowly defined.

The First Armed Responder must first and foremost be a competent concealed carry practitioner. The firearm must be carried day in and day out in a safe and truly concealed manner. Not in a manner consistent with a plain clothes officer, but in a manner consistent with a truly benign deep cover technique.

First Armed Responders must have a deep understanding of the judicious application of lethal force. A complete understanding of when and where to employ a firearm is essential. A willingness to accept the responsibility of being armed is not optional.

The ability to demonstrate marksmanship ability under stress is vital. Discriminatory shooting problems and understanding the limits of one's own abilities cannot be left out of the training. The ability to employ basic tactics that increase self-preservation must be a nearly automatic response when moving through a building to assess an active killer event.

Many trauma victims die from exsanguination. With current EMS training emphasis on preserving the safety of the medical personal by waiting for scene security, First Armed Responders need training in bleeding control techniques. Many lives could be saved if bleeding could be brought under control to minimize blood loss before transportation of trauma victims to medical facilities.

There is always a concern for armed individuals to be mistaken for the violent actor when in reality they are an off duty police officer or a legally armed citizen. Most active shooter situations end by the time law enforcement enters the scene, however this does not mean the possibility of friendly fire casualties does not exist. It is vital that First Armed Responders be cognizant of making their identity known to responding officers through compliance and other conscious identification efforts.

Firearm and tactical skills are perishable if not practiced often. It is essential that First Armed Responders practice marksmanship often and demonstrate their skills yearly with a ten-hour recertification course.

There is a tactical advantage to carrying firearms in a concealed manner. It is essential that the identities of the First Armed Responders be kept confidential throughout the selection process and after authorization.

Liability for the justifiable use of lethal force is already covered in the NDCC, Title 12.1. School boards and trainers are covered against liability for actions or omissions made during the implementation of programs authorized by this bill. There is a need to add section 15.1-19-02 as a broader protection of the First Armed Responder acting in the best interest of student safety.

North Dakota Insurance Reserve Fund insures most schools in North Dakota. In a phone conversation with Steve Spilde, CEO, he informed me that very few school activities that are authorized in the Century Code are not covered by NDIRF. The only one that came to mind was aircraft maintenance. In regard to arming staff, the depth of training required in this bill is more favorable for insurance purposes than past versions. Mr. Spilde stated that he could not guarantee insurance coverage until the matter was studied after the bill becomes law, however he stressed that the effort to provide coverage would be explored utilizing the same standards as the other legally authorized school activities.

Some Points of Interest:

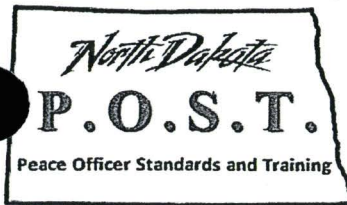
- The Armed First Responder Course has already received ND POST approval (see attached)
  - ND Class 1 permit is prerequisite
  - Board letter of authorization is prerequisite
  - 40 hours
  - \$1000 per candidate
  - Additional expenses: lodging, firearm, ammunition, safety equipment
  - Course standards are high and attrition rates of 25% are expected
  - Peace officers are encouraged to attend
  - Annual recertification is required
- There are primer classes available to help increase probability of graduation
- The Armed First Responder course incorporates more firearm specific training hours than the state approved Law Enforcement academy
- Insurance through NDIRF is likely
  - Insurance costs in Ohio have been as low as an addition \$100 per armed staff member
- Liability for boards, administration, and authorized individuals is already covered in the NDCC
- Immunity for every reasonable situation except recklessness and negligence as outline in chapter 12.1 NDCC
- Ohio is the model for authority to carry being in the hands of local school boards
- I have been working closely with key leaders in the FASTER Saves Lives organization in Ohio
  - See attached third party testimony
- There are model resolutions and checklists available for school boards to implement this bill
- I am available and willing to assist any school board in evaluating a need for First Armed Responders

First response timeline Sandy Hook

Time Event

9:35 a.m. Shooter is believed to first enter SHES.  
9:35:39 a.m. First 911 call to Newtown Police is received.  
9:36:06 a.m. 911 dispatcher broadcasts shooting at SHES.  
9:37:38 a.m. Connecticut State Police dispatched to SHES.  
9:39:00 a.m. First Newtown police arrives behind SHES.  
9:39:13 a.m. Two more Newtown officers arrive at SHES.  
9:40:03 a.m. Last shot heard. Believed to be shooter's suicide.  
9:42:39 a.m. Newtown police reports shooter's car license plate.  
9:44:47 a.m. Newtown police officers enter SHES.  
9:46:23 a.m. Connecticut State Police arrive at SHES.  
9:46:48 a.m. Connecticut State Police enter SHES.





ND P.O.S.T  
PO Box 1054

Bismarck ND 58502-1054

Phone: (701) 328-5500  
Fax: (701) 328-5510

[www.post.nd.gov](http://www.post.nd.gov)

S/A Duane Stanley  
Executive Secretary

January 26, 2017

MEMBERS

Sheriff Chad J. Kaiser  
Stutsman County S.O.

Paul Hamers  
Ricochet Gun Works  
PO Box 285  
Napoleon ND 58561

Lyn James  
ND League of Cities

Lieutenant Daniel J. Haugen  
ND Highway Patrol

Sheriff Paul Lies  
Eddy County S.O.

Dear Paul:

Chief Scott T. Thorsteinson  
Wahpeton Police Department

We have received your request for certification of your training program entitled "RGW First Armed Responder."

Tom Falck  
Association of Counties

After reviewing the materials you provided, the POST Board is pleased to approve this training for the actual number of contact hours towards continuing education credit. This approval is valid for four years. The course number to be used for this training is RGW17001.

Captain John Klug  
Minot Police Department

Sheriff Sarah Warner  
Hettinger County S.O.

Please ensure that you submit a roster including the course number, names, agency, and license numbers of those officers who attend the program as well as the actual number of training hours that each completed in the course. As soon as we receive the rosters, we will include the training onto their records.

Chief Mike Reitan  
West Fargo PD

Thank you and if you should have any questions please feel free to contact us.

Sincerely,

*Monica Sebastian*

Monica Sebastian



January 25, 2017

RE: House Bill No. 1310

Chairman Porter, Vice Chair Damschen and members of the House committee on Energy and Natural Resources. I write to comment on House Bill No. 1310 and school safety/security as it relates to active killer events.

I am a pilot with American Airlines. (My views are my own and I do not represent American Airlines.) I also serve as a director with the FASTER Saves Lives program. FASTER is an acronym for Faculty/Administrator Safety Training and Emergency Response. In response to the massacre at Sandy Hook Elementary school we worked with our nations experts to improve school response to active killer events. We have trained over 750 people from 194 school districts in eight states. The program trains school staff, police, and medical personal to better respond to active killer events.

As a father, I want the best for my children. I think every parent wants the same for their children. We studied from many of our nations experts to find the best solutions to violence. The FASTER Saves Lives program was designed by John Benner of Tactical Defense Institute (tdiohio.com). Mr. Benner is a Vietnam Veteran and career law enforcement officer. He started and commanded the first multijurisdictional SWAT team and trained the trainers for NASRO (National Association of School Resource Officers) on a national level for a decade. I know of no one with more experience and knowledge on the topic of active killers in our schools than Mr. Benner.

The idea of training school staff came out of his work training SROs. They could not find a way to significantly reduce casualties with a police response. Police can't solve a problem when they are not there, and there is no way (excepting luck) to get them on scene the moment they are needed.

The majority of active killer events are stopped by non-law-enforcement. That is because they are there as the event happens. The killing is usually over before law enforcement arrives. This is part of the killers plan. Police would love to be there to help, but it's not possible given the timeline of these events. We need to train and equip those who are there (school staff) to act; to end the violence.

There have been several events in Ohio to highlight the value of trained and armed staff members. In one school students were planning a killing. The first step was taking out the SRO "knowing" that he was the only one who could stop them. Thankfully a mother contacted police and the event never happened, but law enforcement believes their plan would have been successful if the SRO were the only armed responder. The cowards didn't know that multiple other staff members had also been trained and were carrying firearms. Police believe that these staff members would have stopped the killers upon entry ending the event before the SRO could have responded.

In another incident a mother requested a principal come to her home to assist with a student who was refusing to attend school. An older brother (unknown to the principal) became irate and violent. When the principal tried to leave the brother tried to run him over with a vehicle. When that failed a "military style" rifle was aimed at the principal who drew his handgun causing the brother to quickly

surrender. This was clearly a lethal threat situation with escalating violence. It ended peacefully because the principal was trained and armed. This is the ultimate success – the child who did not need to be shot – who can get the help he needed. This is the power of good people who are properly trained.

When we started, many in the legislature and law-enforcement wanted to draft rules and training similar to current language in House Bill No. 1310. Before it could be enacted we were already working with many schools under existing law and the legislature was persuaded by schools to allow local control instead of top down directives on policy and training. In hindsight, the many local ideas we have seen adopted are far superior to the proposed legislation. Over time schools continue to improve their policy and preparedness because they are in charge.

The problem we see with most law-enforcement training is that it is designed by law enforcement, for law enforcement, to deal with criminals. It's great for its intended purpose and audience, but is not optimal for non-law-enforcement dealing with active killer events. Active killers generally do not have criminal pasts, don't exhibit "criminal indicators" and have very different behaviors that dictates a different response for maximum effectiveness.

While everyone agrees that training is important, and more/better training is desired, mandating excess training will lead to less safe schools. Training is not a goal that is attained; it is a lifelong dedication to improvement. Working with local law enforcement is ideal, but it is not any more proper for law-enforcement to dictate policy to schools than it is for schools to dictate policy to law-enforcement. They can help each other, but they are both best suited to deal with their own unique areas of expertise.

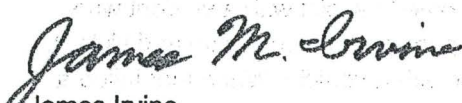
Our training includes mindset, shooting skills, and tactics. It includes force on force training and a requirement to pass Ohio's law enforcement qualification, but to a higher standard than is required by police. It includes trauma care for the injured. It also includes weapon retention and interaction with responding law enforcement.

Our training DOES NOT include body searching or handcuffing. It is not a replacement for law-enforcement, SROs or EMTs. It recognizes the school's duty to protect their staff and students and trains select individuals to stop the killing, treat the injured, and transfer the scene to law enforcement. We have heard from law enforcement/trainers/schools in multiple states that our program is the best they have found. We are honored to share what we have learned to help everyone make their school safer.

I have attached Ohio law for your reference. In our experience, it has worked exceeding well.

I thank you for your dedication to better protect our school children. I am available to answer any questions the committee and interested parties have.

Sincerely,



James Irvine  
440-503-3011

**Note:** There are some changes to this section effective March 21, 2017. Those changes do not effect Section (D)(1)(a).

<http://codes.ohio.gov/orc/2923.122>

## **2923.122 Illegal conveyance or possession of deadly weapon or dangerous ordnance or of object indistinguishable from firearm in school safety zone.**

(A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.

(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(D)

(1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, *or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;* (emphasis added)

(b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (D)(1)(b) of this section does not apply to the person.

(2) Division (C) of this section does not apply to premises upon which home schooling is conducted. Division (C) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

(a) The person does not enter into a school building or onto school premises and is not at a school activity.

(b) The person is carrying a valid concealed handgun license.

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code.

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

(a) The person is carrying a valid concealed handgun license.

(b) The person is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child.

(c) The person is not in violation of section 2923.16 of the Revised Code.

(E)

(1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.

(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.

(F)

(1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division.

(G) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

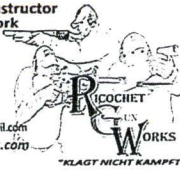
Amended by 129th General Assembly File No. 190, HB 495, §1, eff. 3/27/2013.

Amended by 129th General Assembly File No. 131, SB 337, §1, eff. 9/28/2012.

Effective Date: 04-08-2004; 03-14-2007; 2008 SB184 09-09-2008.

\*Certified Firearm Instructor  
\*Custom Firearm Work  
\*U.S. Army Retired

Paul Homers  
P.O. Box 285  
Napoleon, ND 58561  
Phone: (701) 754-2680  
Email: ricochetgunworks@gmail.com  
www.ricochetgunworks.com



## RGW FIRST ARMED RESPONDER COURSE

**Rationale:** This course is intended to provide a concise program of instruction focused on preparation of the lone rural peace officer, rural school staff and administration, the off-duty peace officer, or a legally armed citizen to respond to emergencies involving building lockdown and active killer events. Particular attention is given to the legalities of aiding third parties in defense of self, treating injuries prior to the arrival of EMS, and interacting safely with responding on duty officers.

**Prerequisites:** Individuals are expected to have an above average level of firearms knowledge and proficiency prior to attending this course. All attendees must possess a Peace Officer's License or a current ND Class 1 Dangerous Weapon License and a letter of endorsement from their local school board.

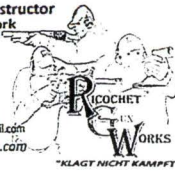
**Grading:** Completion is not equivalent to graduation. Individuals will be evaluated throughout the First Armed Responder Course at several critical stages of training. These stages are referred to as gates.

Failure to achieve course standards at each gate will result in immediate dismissal from the course.

- **Performance Counseling:** All attendees will be given daily written performance counseling identifying the individual's strengths and weaknesses pertaining to the day's training events. Areas with a need for improvement will be outlined along with remedial practice exercises assigned as out-of-class homework. Records of all counseling statements and graded events will be maintained in a confidential student file.
- **Student Attitude:** Any attendee's failure to take any aspect of training seriously or to apply effort to any assigned tasks or drills will result in immediate dismissal from the First Armed Responder Course for Lack of Motivation. Examples include, but are not limited to; failure to follow instructions, failure to complete homework assignments, tardiness for classes, and inappropriate behavior or language.
- **Homework:** Students will be given nightly assignments to be completed prior to the start of class the following morning. Failure to complete homework assignments will result in immediate dismissal from the course for Lack of Motivation.
- **Gate 1:** The morning of day one all individuals will demonstrate a rudimentary level of firearms proficiency by passing the ND Class 1 firearm proficiency test with a minimum passing score of 80% and the written exam with a minimum passing score of 100%.
- Failure to demonstrate safe firearm handling at any time throughout the week will result in immediate dismissal from the course.

\*Certified Firearm Instructor  
\*Custom Firearm Work  
\*U.S. Army Retired

Paul Hamers  
P.O. Box 285  
Napoleon, ND 58561  
Phone: (701) 754-2680  
Email: ricochetgunworks@gmail.com  
www.ricochetgunworks.com



- Individuals must complete all formal written evaluations with a minimum passing score of 90%.
  - The force continuum and deadly force in the defense of others
  - First aid
  - The active killer history and known influences
  - Principles of personal protection
  - Concealed carry techniques
- Individuals must complete all practical evaluations with a minimum passing score of 90%.
  - Firearm proficiency tests
  - Discriminatory shooting tests
  - Firearm retention
  - Armed movement in crowds
  - Defensive and offensive tactics in response to armed intruders
  - Practical application of wound treatment
  - Practical demonstration of concealed carry techniques
- **Gate 2:** The morning of day three all individuals will requalify with a modified version of the ND Class 1 firearm proficiency test. The minimum passing score of 90% with no hits on non-threat targets.
- **Gate 3:** The morning of day five all individuals will be required to pass an extended stress inducing practical test titled **RGW** Active Killer Situation Stakes. The minimum passing score of 90% with no hits on non-threat targets is required on all scenarios.
- **Gate 4:** All students will complete a modified version of Range Master™ skills evaluation with a final score of 100 pts out of 120 and no hits on non-threat targets.
- **Completion is not equivalent to graduation.** All attendees that are present on day five of training will receive a completion certificate. All licensed Peace Officers will have continuing education credits reported to ND POST for actual hours completed regardless of graduation/completion status.
- **Exceptional Performance:** Students scoring 100% on all practical shooting tests will receive the St. Gabriel Possenti numbered award.

HB 1310  
1-27-17  
#3

**Testimony in Favor of Concealed Carry in Schools  
(House Bill 1310)  
to  
North Dakota House Energy & Natural Resources Committee  
By: Justin R. LaBar  
January 27, 2017**

**Thank you for the opportunity to testify in favor of House Bill 1310. My name is Justin LaBar. I am a native North Dakotan from District 2. I am a Concealed Weapon Permit holder, volunteer Hunter's Safety Instructor, 4<sup>th</sup> Grade School Teacher at Stanley Elementary School, and more importantly; a husband and father of nine children.**

**In December of 2012, the United States mourned the deadliest school shooting of our time when 20-year old Adam Lanza shot and killed 20 six to seven year olds and six staff members at Sandy Hook Elementary School. This tragedy struck the hearts of all Americans.**

**The following school day our staff at Stanley Elementary had a meeting to review safety protocol. It quickly became evident that we had a problem. Regardless of what measures we were taking as administration and staff, nothing under our current law would ultimately protect our students. The realization set in for me – and some other teachers as well – that we are nothing more than sitting ducks in a classroom should some individual seek to harm us.**

**You tell me, what are we supposed to do? Between my classroom and the office door is just one other classroom. Should an individual come through that door, what is to be done to stop him once he's through? My classroom door is locked, but do we sit inside and await our doom? What can I do to protect my students? Use a ruler? Throw a book? All while they're huddled against a wall in fear, wondering if their classroom teacher will be slaughtered in front of them? All while they wait to witness the slaughtering of their classmates and themselves? I am going to be very blunt with you... this is unacceptable!**

**I recall that morning meeting where, believe it or not, I typically say very little. I spoke up. I wondered why it was that we can't protect our students. Why shouldn't the janitor be able to – at the very least - bolt a lock box to the counter that only I and administration have access to? By the time a perpetrator came through the door, I would at least stand a chance of sending him to a meeting with his doom, instead of me and my student's meeting our Maker.**

**Make no mistake about it, I love my students. And I'm not ashamed to say that. You spend hour after hour, day after day, with a group of kids for 175 days and see how you feel about them. By the end of the year, they're as close to feeling like my own children as you can get. I would give my life for them. I would not let them die without doing something. But right now, that something really isn't much of anything.**

**For some reason, beyond my understanding, we have come to the point in society where many people believe you must have a badge to be entrusted with a gun. That only law enforcement can protect us. I reject that idea. Regardless of how amazing law enforcement is – and my father was once in law enforcement – they cannot be everywhere at once. Ultimately, our safety - and sometimes the safety of others - may depend on us.**



Personally, I don't believe this bill goes far enough, but it is **MOST DEFINITELY** at step in the right direction. I commend Representatives Kiefert, Karls, Dan Ruby, Streyle, Trottier and Senators Campbell, Oley Larsen, Diane Larson, and Luick for bringing this forward.

I am not going to get into the specifics of the bill. That has either already been done or will be done. What I am asking you to do here today is to trust our local school boards and to allow them to do what is necessary to protect our children and staff.

You have a choice. Continue to hamper the ability of school districts to take these steps to protect our children and themselves or to stick with the status quo. And if you're considering sticking with the status quo, I ask you to consider how well that worked out for schools like Columbine and Sandy Hook. Do the right thing. Give this bill a **DO PASS** recommendation.

Thank You,

Justin LaBar  
District 2

#4  
HB1310  
1-27-17

HB 1310

Charles Woock

In support of the bill

If the evil person comes to do harm, let's stop him as quickly as possible.

## Crime Information and Statistics Summary

1. "Crime in North Dakota, 2015", Office of Attorney General
  - a. Group A offenses increased 12.4 percent from the previous year.
  - b. Crimes Against Persons increased 9.5 percent.
  - c. Crimes Against Property increased 14 percent.
  - d. Crimes Against Society increased 11.1 percent.
2. "A Study of Active Shooter Incidents in the United States Between 2000 and 2013, FBI"
  - a. Incidents occurred primarily in commerce and educational areas (70%).
  - b. Annual incidents are increasing.
  - c. The number of casualties is increasing.
  - d. Citizen engagement or suicide ended the incident before law enforcement arrived in 40.6% of the 160 incidents.
  - e. 24.4 percent of the incidents occurred in educational environments.
  - f. Incidents in educational facilities account for some of the higher casualty rates.
  - g. Incidents occurred at all levels kindergarten through institutions of higher education.
3. According to the Bismarck Tribune article "North Dakota crime rate up 10 percent in 2015, biggest spike of oil boom era", Aug 25, 2016, [http://bismarcktribune.com/news/state-and-regional/north-dakota-crime-rate-up-percent-in-biggest-spike-of/article\\_88301225-3e51-5dfd-899b-93076e157c83.html](http://bismarcktribune.com/news/state-and-regional/north-dakota-crime-rate-up-percent-in-biggest-spike-of/article_88301225-3e51-5dfd-899b-93076e157c83.html)
  - a. Per-capita crime rate increased by 9.8 percent compared to a 0.3 percent reduction in the crime rate in 2013 and increases of 8.4 percent in 2012 and 7.8 percent in 2011.
  - b. Group A offenses (serious crimes against people) increased by 12.4 percent.
  - c. Crimes against society including drug violations and weapons violations – increased by 11.1 percent.
  - d. 21 homicides, the most since there were 22 in 1993.
  - e. Drug arrests increased about 9.6 percent.
4. North Dakota State & Local Intelligence Center (NDSLIC) presentation, <https://www.nd.gov/omb/sites/omb/files/documents/state-employee/training/risk-Security-Darin-Hanson.pdf>
  - a. Since 2010, overall crime in North Dakota has increased every year.
  - b. Seven counties accounted for 82% of all violent crimes in 2014; Cass 30%, Burleigh 14%, Ward 11%, Williams 10%, G.F. 9%, Morton 4%, Stark 3%.
  - c. Illegal drugs are thought to be a major contributing factor.
  - d. Minot airbase members are on the ISIS "hit list".
  - e. Safety at work: run, hide, fight.

**Office of Attorney General**

**Bureau of Criminal Investigation**

**Crime in North Dakota, 2015**

**Wayne Stenehjem  
Attorney General**

**Prepared by  
Colleen Weltz  
NIBRS/UCR Program Manager  
2016**

## NORTH DAKOTA CRIME SUMMARY, 2015

In 2015, 48,288 Group A offenses were reported by local law enforcement agencies. This is an increase of 12.4 percent from the total of 42,968 reported in 2014.

The Census Bureau estimate of North Dakota's population for 2015 is 756,927. The crime rate per 100,000 population for 2015 is 6379.5. The crime rate for 2014 was 5810.6 per 100,000 population. This is a 9.8 percent increase in the crime rate of the Group A offenses.

The total number of reported Crimes Against Persons (e.g. murder, rape, and assaults) was 9,469. This represents an increase of 9.5 percent from the total of 8,645 reported in 2014. In 2013, 8,788 Crimes Against Persons were reported.

Crimes Against Persons offenses comprised 19.6 percent of reported Group A crime offenses in North Dakota in 2015.

Collectively, Crimes Against Property (e.g. burglary, robbery, larceny/theft and motor vehicle theft) increased by 14 percent from 23,712 reported in 2014 to 27,032 reported in 2015.

Crimes Against Property accounted for 56 percent of total Group A crime offenses reported in 2015.

In 2015, the total number of Crimes Against Society (e.g. drug/narcotics violations, drug equipment violations, and weapon violations) reported 11,787. This is an increase of 11.1 percent from 2014 total of 10,611. In 2013, 8,622 Crimes Against Society were reported.

North Dakota law enforcement agencies reported 31,648 arrests in 2015. A total of 30,406 arrests was reported in 2014.

In 2015, juvenile arrests accounted for 12 percent of the total arrests.

The number of reported arrests in 2015 for DUI decreased to 6,229 from 6,705 reported in 2014.

Arrests for Drug/Narcotics Violations increased 9.6 percent from a 2014 total of 4,000 to 4,382 in 2015.

# Group A Offenses

Group A offenses includes the crimes of Arson; Assaults; Bribery; Burglary; Counterfeiting/Forgery; Homicide Offenses; Destruction/Damage/Vandalism of Property; Drug/Narcotic Offenses; Embezzlement; Extortion/Blackmail; Fraud; Gambling Offenses; Robbery; Kidnapping/Abduction; Larceny/Theft Offenses; Motor Vehicle Theft; Pornography/Obscene Material Offenses; Human Trafficking Offenses; Prostitution Offenses; Sex Offenses; Non-Forcible Sex Offenses; Stolen Property Offenses and; Weapon Law Violations.

In 2015, 48,288 Group A offenses were reported by local law enforcement agencies. This is an increase of 12.4 percent from the total of 42,968 reported in 2014.

The Census Bureau estimate of North Dakota's population for 2015 is 756,927. Based on that total, the crime rate per 100,000 population for 2015 was 6379.5, as compared to 5810.6 for 2014.

More than 42.5 percent of Group A crime offenses were reported as cleared by arrest or exceptional means. The NIBRS program defines an offense as "cleared" by law enforcement when at least one person is arrested, charged with the commission of the offense, and turned over to the court for prosecution. Several crimes may be cleared by the arrest of one person, while the arrests of many persons may clear only one offense. Law enforcement agencies may clear a crime by exceptional means when some element beyond law enforcement control precludes the placing of formal charges against the offender. Examples of circumstances that allow such clearances are the death of the offender (suicide, justifiably killed by police or private citizen, etc.); the victim's refusal to cooperate with prosecution after the offender has been identified; or the denial of extradition.

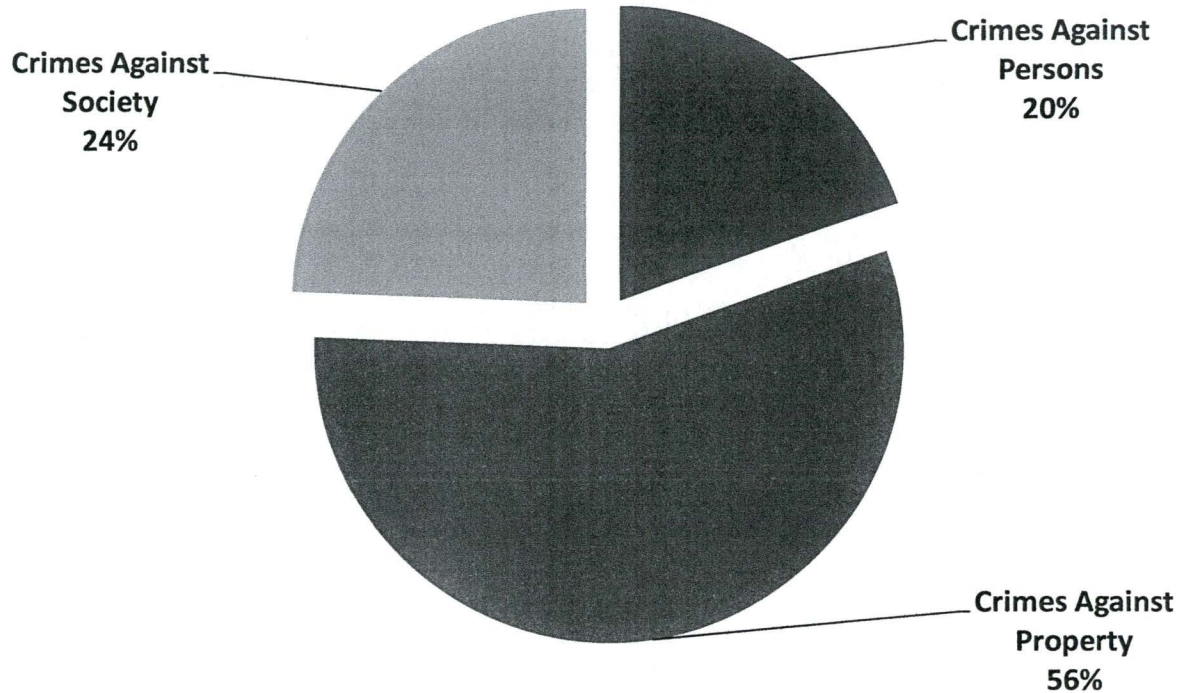
In 2015, 14,992 arrests were reported for Group A crime offenses. Of that total, 12.5 percent were arrests of juveniles.

More than \$44.6 million worth of property was reported stolen in 2015, with 33.9 percent of that amount reported as recovered by law enforcement officials.

## Group A Offense Summary

Year	Population	Group A Offense Total	% Change in Number from Previous Year	Crime Rate per 100,000 Population	% Change in Rate from Previous Year	Percent Cleared
2010	672,591	32,119	.-	4775.4	.-	40.5%
2011	683,932	35,211	9.6%	5148.3	7.8%	40.6
2012	699,628	39,031	10.8	5578.8	8.4	40.3
2013	723,393	40,245	3.1	5563.4	-0.3	41.8
2014	739,482	42,968	6.8	5810.6	4.4	42.6
2015	756,927	48,288	12.4	6379.5	9.8	42.5

## Group 'A' Offenses - 2015



### Crimes Against Persons

Murder  
 Negligent Manslaughter  
 Rape  
 Sodomy  
 Sexual Assault w/Object  
 Fondling  
 Aggravated Assault  
 Simple Assault  
 Intimidation  
 Kidnapping  
 Human Trafficking Offenses\*  
 Incest  
 Statutory Rape

### Crimes Against Property

Robbery  
 Burglary/Breaking & Entering  
 Larceny/Theft Offenses\*  
 Motor Vehicle Theft  
 Arson  
 Destruction of Property  
 Counterfeiting/Forgery  
 Fraud Offenses\*  
 Embezzlement  
 Extortion/Blackmail  
 Bribery  
 Stolen Property Offense

### Crimes Against Society

Drug/Narcotic Violations  
 Drug Equipment Violations  
 Gambling Offenses\*  
 Pornography  
 Prostitution Offenses\*  
 Weapon Law Violations

\*Specific offenses exist within the crime category.

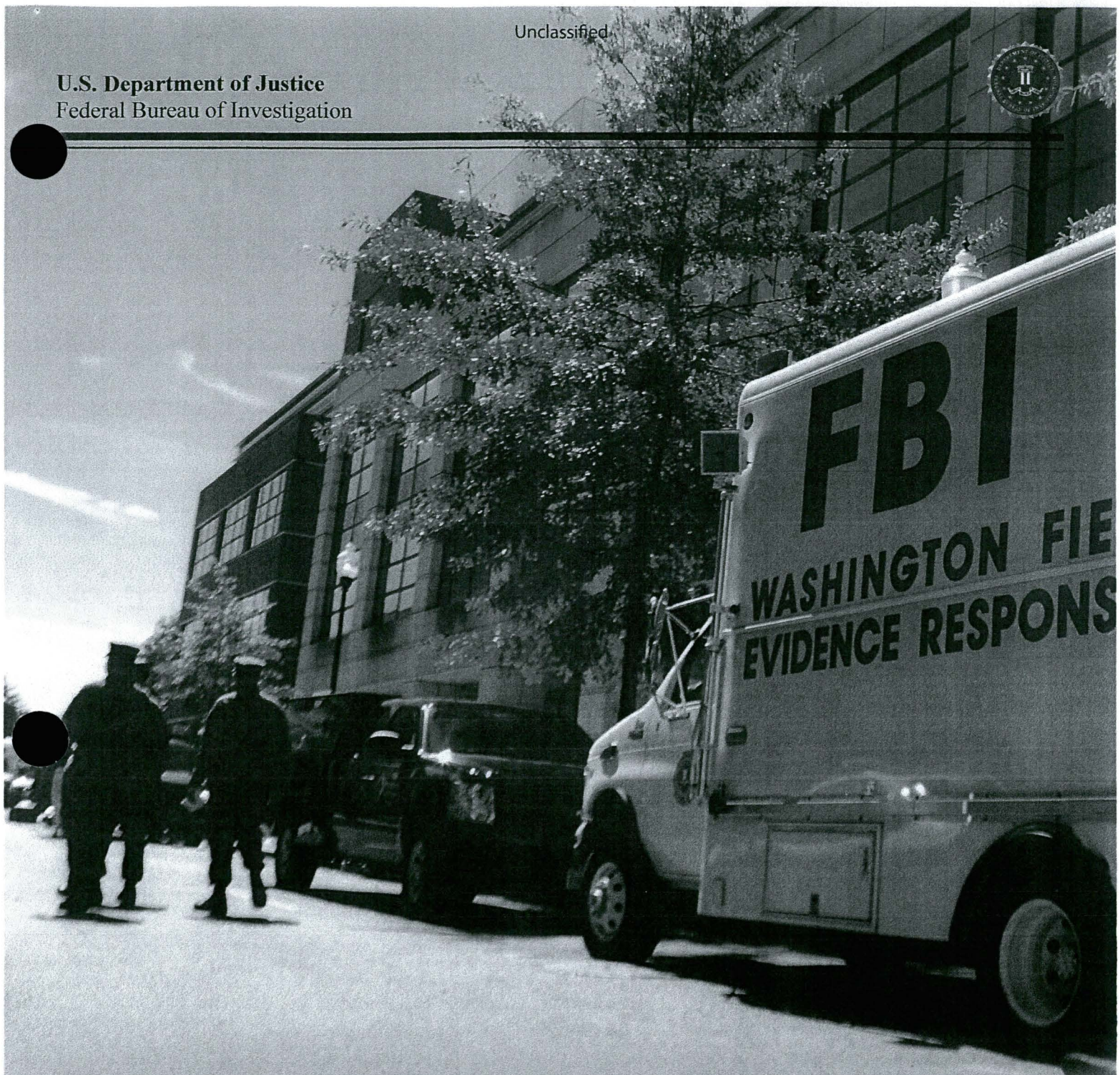
**Comparison of Group A Offenses Reported,  
2014-2015**

Group A Offenses	2014	2015	Percent Change
<b>Crimes Against Persons</b>			
Murder	19	21	10.5%
Negligent Manslaughter	5	8	60.0
Kidnapping/Abduction	75	91	21.3
Rape	251	287	14.3
Sodomy	39	38	-2.6
Fondling	31	26	-16.1
Sexual Assault W/Object	318	332	4.4
Incest	9	10	11.1
Statutory Rape	138	141	2.2
Aggravated Assault	1,145	1,185	3.5
Simple Assault	5,260	5,812	10.5
Intimidation	1,223	1,321	8.0
Stalking	132	197	49.2
Commercial Sex Acts			
Involuntary Servitude			
<b>Crimes Against Property</b>			
Arson	88	66	-25.0
Bribery	1	1	0.0
Burglary	2,490	3,212	29.0
Counterfeiting/Forgery	905	922	1.9
Destruction/Damage/Vandalism	4,977	5,053	1.5
Embezzlement	147	132	-10.2
Extortion/Blackmail	9	20	122.2
Fraud - False Pretenses	734	1009	37.5
Fraud - Credit Card/ATM	527	565	7.2
Fraud - Impersonation	419	714	70.4
Fraud - Welfare	1	4	300.0
Fraud - Wire	67	123	83.6
Motor Vehicle Theft	1,462	1,725	18.0
Robbery	166	157	-5.4
Stolen Property Offenses	332	515	55.1
Theft - Pocket-picking	22	10	-54.5
Theft - Purse-snatching	17	13	-23.5
Theft - Shoplifting	2,426	2,834	16.8
Theft From Building	1,375	1,222	-11.1
Theft From Coin Machine	33	26	-21.2
Theft From Motor Vehicle	2,083	2,266	8.8
Theft of Motor Vehicle Parts	217	262	20.7
Theft - All Other Larceny	5,214	6,181	18.5



**Comparison of Group A Offenses Reported,  
2014-2015  
Continued**

<b>Group A Offenses</b>	<b>2014</b>	<b>2015</b>	<b>Percent Change</b>
<b>Crimes Against Society</b>			
Drug/Narcotic Violations	5,154	5,648	9.6
Drug Equipment Violations	4,650	5,120	10.1
Gambling - Betting/Wagering			
Gambling Equipment Violations	1		-100.0
Gambling - Operating/Promoting	1	2	100.0
Gambling - Sports Tampering			
Pornography/Obscene Material	105	124	18.1
Prostitution	54	87	61.1
Prostitution - Assisting/Promoting	17	34	100.0
Purchasing Prostitution			
Weapon Law Violations	629	772	22.7
<b>Total Group A Offenses</b>	<b>42,968</b>	<b>48,288</b>	<b>12.4</b>



# A Study of Active Shooter Incidents in the United States Between 2000 and 2013

September 16, 2013  
Washington Navy Yard,  
Washington, D.C.

## Introduction

In 2013, the president signed into law the Investigative Assistance for Violent Crimes Act of 2012, which granted the attorney general the authority to assist in the investigation of “violent acts and shootings occurring in a place of public use” and in the investigation of “mass killings and attempted mass killings at the request of an appropriate law enforcement official of a state or political subdivision.”<sup>1</sup>

To provide further clarity on these threats, the Federal Bureau of Investigation (FBI) in 2014 initiated a study of “active shooter” incidents<sup>2</sup>. The goal of the FBI study is to provide federal, state, and local law enforcement with data so they can better understand how to prevent, prepare for, respond to, and recover from these incidents.

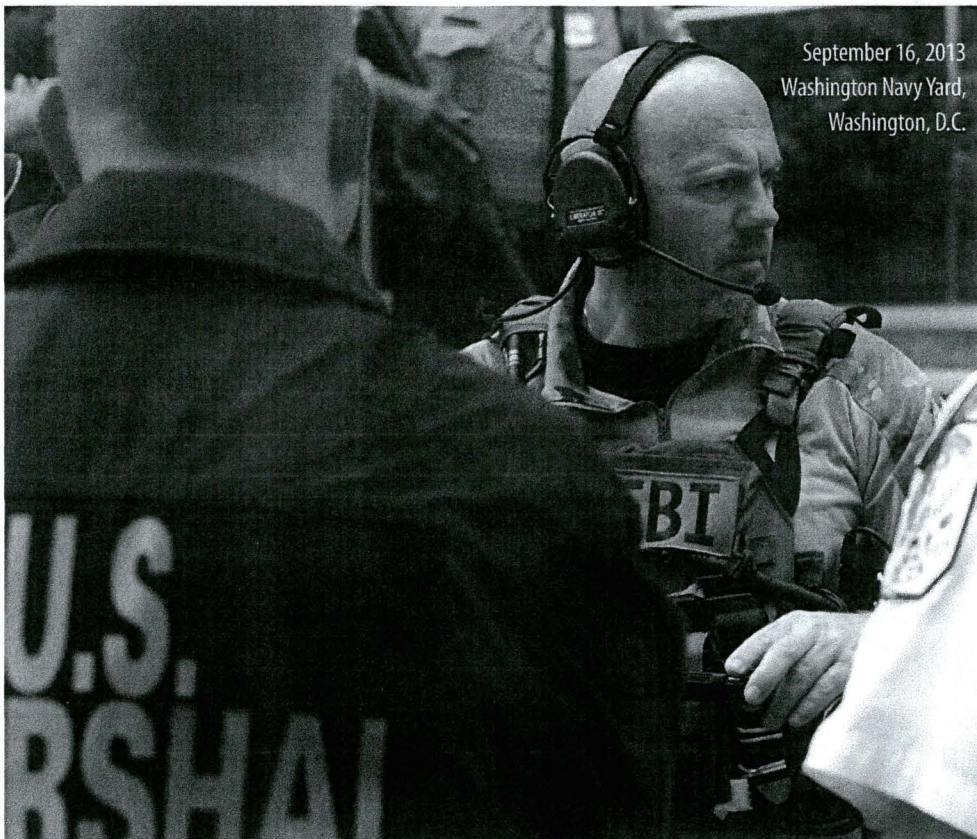


Photo: Shane T. McCoy/U.S. Marshals

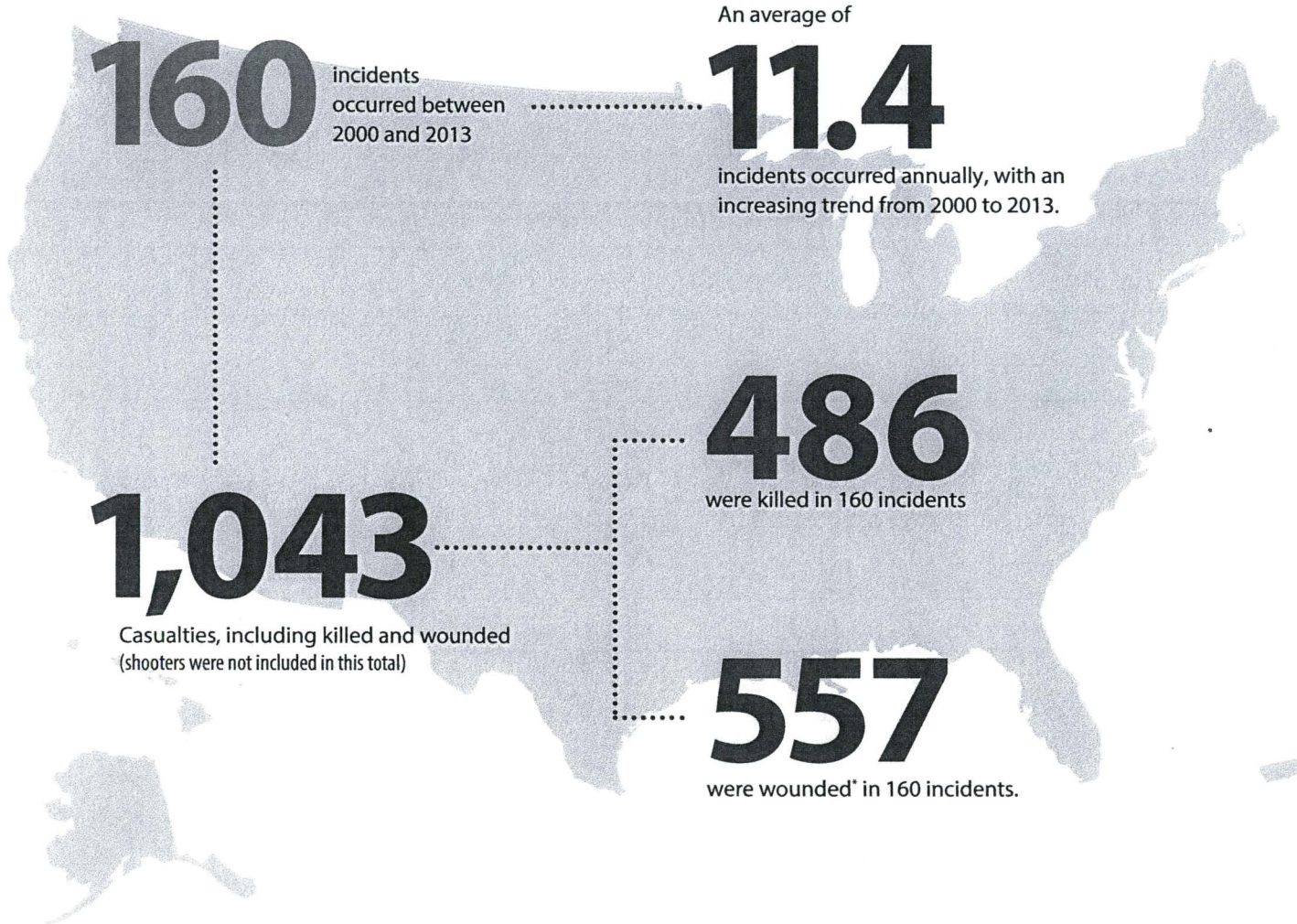
Active shooter is a term used by law enforcement to describe a situation in which a shooting is in progress and an aspect of the crime may affect the protocols used in responding to and reacting at the scene of the incident. Unlike a defined crime, such as a murder or mass killing, the active aspect inherently implies that both law enforcement personnel and citizens have the potential to affect the outcome of the event based upon their responses.

<sup>1</sup> Investigative Assistance for Violent Crimes Act of 2012, 28 USC 530C(b)(1)(M)(i).

<sup>2</sup> The FBI's Uniform Crime Reporting system does not capture data specific to active shooters but rather is data derived from more than 18,000 city, university/college, country, state, tribal, and federal law enforcement agencies that voluntarily report monthly on criminal activity in their jurisdictions.

# Snapshot

The following characteristics of the 160 active shooter incidents identified between 2000 and 2013 are noted:



Source: Federal Bureau of Investigation, 2014

## INCIDENTS

- An average of 11.4 incidents occurred annually.
- An average of 6.4 incidents occurred in the first 7 years studied, and an average of 16.4 occurred in the last 7 years.
- 70.0% of the incidents occurred in either a commerce/business or educational environment.<sup>10</sup>
- Shootings occurred in 40 of 50 states and the District of Columbia.
- 60.0% of the incidents ended before police arrived.

\*A handful of those identified as "wounded" were not injured by gunfire but rather suffered injuries incidental to the event, such as being hit by flying objects/shattered glass or falling while running. This does not account for all those wounded in this fashion or any mental or emotional trauma that resulted in potential medical treatment.

<sup>10</sup> All percentages are rounded to the nearest tenth



## CASUALTIES

- Casualties (victims killed and wounded) totaled 1,043. The individual shooters are not included in this total.
- A total of 486 individuals were killed.
- A total of 557 individuals were wounded.<sup>11</sup>
- In 64 incidents (40.0%), the crime would have fallen within the federal definition of “mass killing”—defined as “three or more” killed—under the new federal statute.

## INCIDENTS WITH THE HIGHEST CASUALTY COUNTS:

- Cinemark Century 16 Theater in Aurora, Colorado:  
70 (12 killed, 58 wounded), July 20, 2012.
- Virginia Polytechnic Institute and State University in Blacksburg, Virginia:  
49 (32 killed, 17 wounded), April 16, 2007.<sup>12</sup>
- Ft. Hood Soldier Readiness Processing Center in Ft. Hood, Texas:  
45 (13 killed, 32 wounded), November 5, 2009.
- Sandy Hook Elementary School and a residence in Newtown, Connecticut:  
29 (27 killed, 2 wounded), December 14, 2012.

## SHOOTERS

- All but 2 incidents involved a single shooter.<sup>13</sup>
- In at least 9 incidents, the shooter first shot and killed a family member(s) in a residence before moving to a more public location to continue shooting.<sup>14</sup>
- In at least 6 incidents, the shooters were female.<sup>15</sup>
- In 64 incidents (40.0%), the shooters committed suicide; 54 shooters did so at the scene of the crime.
- At least 5 shooters from 4 incidents remain at large.<sup>16</sup>

11 A handful of those counted as wounded were not injured by gunfire but rather suffered injuries incidental to the event, such as being hit by flying objects/shattered glass, or falling while running. These were included in the casualty count when research may not have easily allowed for the type of injury to be discerned. This does not account for all those wounded in this fashion, to include those suffering any mental or emotional trauma that resulted in potential medical treatment.

12 Six additional students were injured after they climbed out of a second floor window in Norris Hall but are not included in the study's tally of those wounded because they could be easily discerned from those wounded by the shooter.

13 House Party in South Jamaica, New York, August 27, 2011; Streets of Tulsa, Oklahoma, April 6, 2012. (See [Appendix A](#)).

14 Amko Trading Store, January 9, 2001; Red Lake High School, March 21, 2005; Orange High School and Residence, August 30 2006; Residence, Latah County Courthouse, and First Presbyterian Church, May 19, 2007; Coffee and Geneva Counties, Alabama, March 10, 2009; Gainesville, Florida, October 4, 2010; Sandy Hook Elementary School and Residence, December 14, 2012; Jacksonville, North Carolina, and Brady, Texas, May 26, 2013; Santa Monica College and Residence, June 7, 2013.

15 Laidlaw Transit Services Maintenance Yard, April 23, 2001; Santa Barbara U.S. Postal Processing and Distribution Center, January 30, 2006; Louisiana Technical College, February 8, 2008; Shelby Center, University of Alabama, February 12, 2010; Publix Super Market, March 30, 2010; Kraft Foods Factory, September 9, 2010.

16 Burger King and Huddle House, November 22, 2005; Club LT Tranz, July 25, 2009; Washington, D.C. Department of Public Works, October 13, 2010; House Party in South Jamaica, New York, August 27, 2011.

7 12

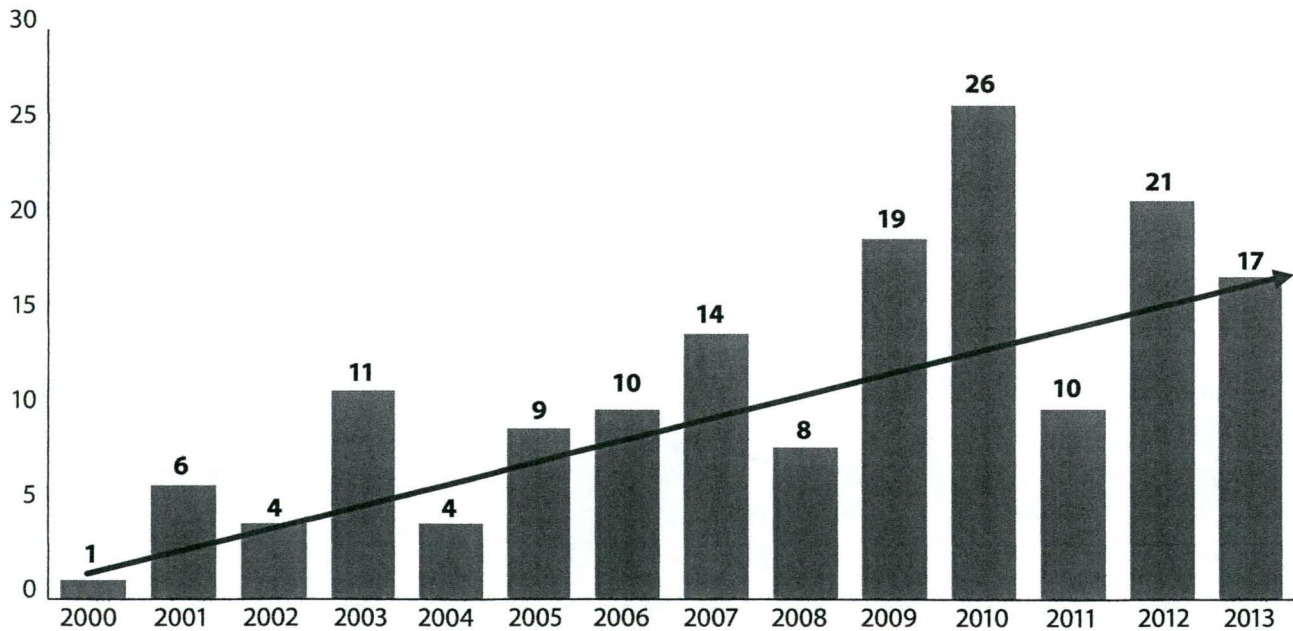
## Findings

In this study, the FBI identified 160 active shooter incidents, noting they occurred in small and large towns, in urban and rural areas, and in 40 of 50 states and the District of Columbia. Though incidents occurred primarily in commerce and educational environments (70.0%), they also occurred on city streets, on military and other government properties, and in private residences, health care facilities, and houses of worship. The shooters victimized young and old, male and female, family members, and people of all races, cultures, and religions.

The findings establish an increasing frequency of incidents annually. During the first 7 years included in the study, an average of 6.4 incidents occurred annually. In the last 7 years of the study, that average increased to 16.4 incidents annually. This trend reinforces the need to remain vigilant regarding prevention efforts and for law enforcement to aggressively train to better respond to—and help communities recover from—active shooter incidents.

The findings also reflect the damage that can occur in a matter of minutes. In 64 incidents where the duration of the incident could be ascertained, 44 (69.0%) of 64 incidents ended in 5 minutes or less, with 23 ending in 2 minutes or less. Even when law enforcement was present or able to respond within minutes, civilians often had to make life and death decisions, and, therefore, should be engaged in training and discussions on decisions they may face.<sup>17</sup>

## A Study of 160 Active Shooter Incidents in the United States Between 2000 - 2013: Incidents Annually



Source: Federal Bureau of Investigation, 2014

<sup>17</sup> In 6 incidents (and, in addition, at least 4 schools), officers were on the scene when the shooting began.

As expected, therefore, many incidents ended before police arrived.<sup>18</sup> Of the 160 incidents, at least 107 (66.9%) ended before police arrived and could engage the shooter, either because a citizen intervened, the shooter fled, or the shooter committed suicide or was killed by someone at the scene.

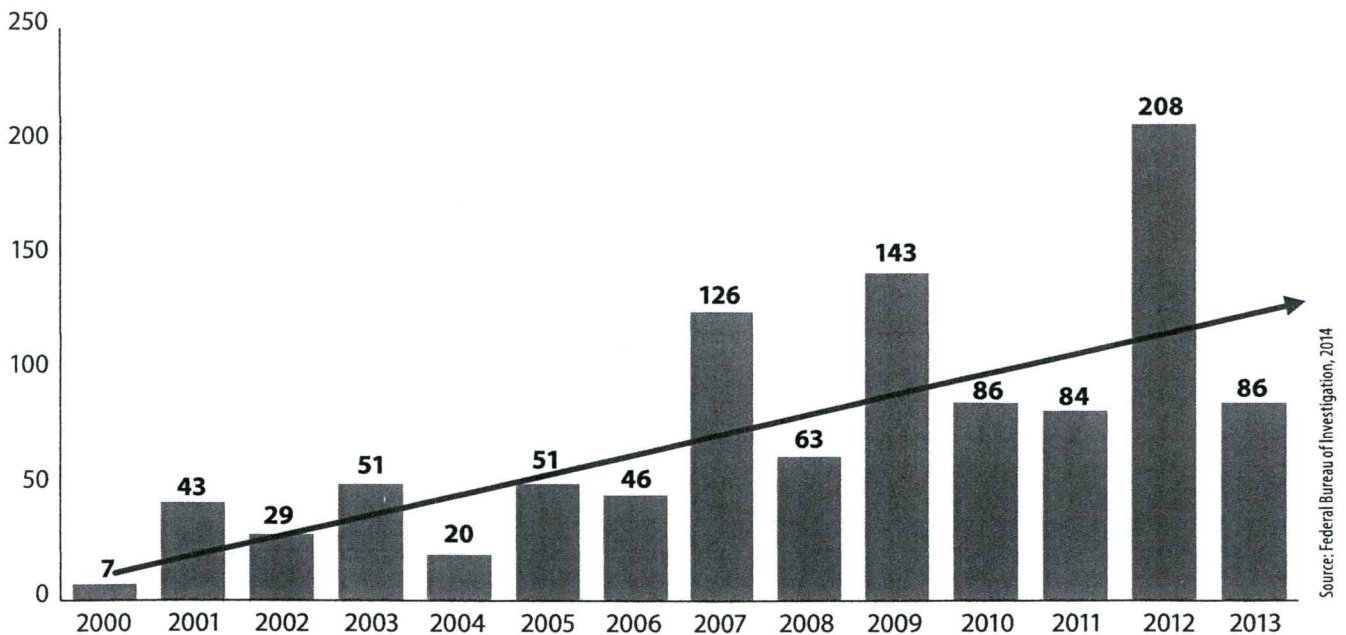
## Casualties

A total of 1,043 casualties occurred during the incidents included in this study (486 killed, 557 wounded). If a shooter died as a result of the incident, that individual was not included in the casualty totals. In addition, a small number of those identified as wounded were not injured by gunfire but rather suffered injuries incidental to the event, such as being hit by flying objects/shattered glass or falling while running. For the purposes of this study, the FBI did not seek to isolate the exact number of individuals that fell into this category, when research did not allow for that type of injury to be easily discerned.

The median number of individuals killed in each incident was 2, and the median number of individuals wounded in each incident was 2.

The FBI found that 64 incidents (40.0%) would have been categorized as falling within the new federal definition of “mass killing,” which is defined as “three or more killings in a single incident.”<sup>19</sup>

## A Study of 160 Active Shooter Incidents in the United States Between 2000 - 2013: Annual Totals of 1,043 Casualties

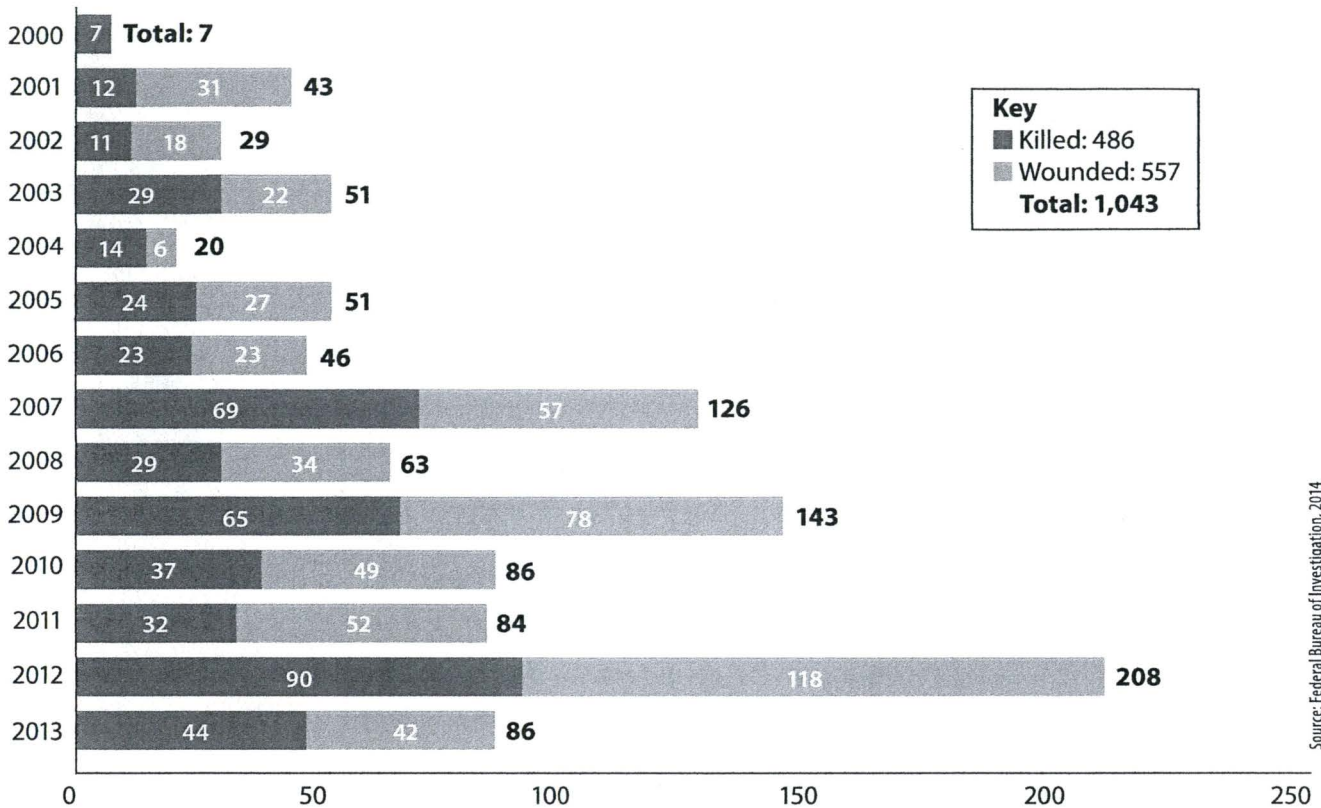


18 According to the 2007 National Crime Victimization Survey, 53.4% of the time, law enforcement was able to respond to a reported violent crime in less than 10 minutes. Bureau of Justice, National Crime Victimization Survey, Criminal Victimization in the United States, 2007 Statistical Tables, February 2010.

19 Investigative Assistance for Violent Crimes Act of 2012, 28 USC 530C(b)(1)(M)(i).

14

## A Study of 160 Active Shooter Incidents in the United States Between 2000 - 2013: Broken Down by Casualty Type; Killed or Wounded



At least 25 (15.6%) of the 160 incidents involved shootings at more than one location. Several casualties involved family members or individuals who had a close personal relationship with the shooter. In at least 15 (9.4%) of the 160 incidents, the shooters targeted family members, resulting in the deaths of 20 and the wounding of 1.<sup>20</sup> In 9 of these incidents, or about half, the shooters then moved on to another location and continued shooting.

Of note, male shooters also acted violently against women with whom they had or once had a romantic relationship. In 16 (10.0%) of the 160 incidents, the shooters targeted current, estranged, or former wives as well as current or former girlfriends. In 12 incidents, the women were killed;<sup>21</sup> in 3 incidents, the women sustained significant injuries but survived;<sup>22</sup> and in 1 incident, the shooter could not find the woman.<sup>23</sup> While perpetrating this violence, an additional 42 people were killed and another 28 were wounded.

20 Amko Trading Store, January 9, 2001; Gold Leaf Nurseries, July 28, 2003; Red Lake High School, March 21, 2005; Orange High School and Residence, August 30 2006; Residence, Latah County Courthouse, and First Presbyterian Church, May 19, 2007; Coffee and Geneva Counties, Alabama, March 10, 2009; Family Dental Care, July 1, 2009; Legacy Metrolab, November 10, 2009; Residence in Brooksville, Florida, January 14, 2010; Yoyito Café, June 6, 2010; Gainesville, Florida, October 4, 2010; Azana Day Salon, October 21, 2012; Sandy Hook Elementary School and Residence, December 14, 2012; Jacksonville, North Carolina, and Brady, Texas, May 26, 2013; Santa Monica College and Residence, June 7, 2013. (See Appendix A).

21 Amko Trading Store, January 9, 2001; Gold Leaf Nurseries, July 28, 2003; Parking Lots in Philadelphia, Pennsylvania, October 7, 2005; Residence, Latah County Courthouse, and First Presbyterian Church, May 19, 2007; Residence in Crandon, Wisconsin, October 7, 2007; Family Dental Care, July 1, 2009; Legacy Metrolab, November 10, 2009; Yoyito Café, June 6, 2010; Salon Meritage, October 12, 2011; Azana Day Salon, October 21, 2012; Pinewood Village Apartments, April 21, 2013; Jacksonville, North Carolina, and Brady, Texas, May 26, 2013.

22 Emcore Corporation, July 12, 2010; Copley Township Neighborhood, Ohio, August 7, 2011; Las Dominicanas M&M Hair Salon, October 18, 2012.

23 Essex Elementary School, August 24, 2006.



## Resolutions

The majority of the 160 incidents (90 [56.3%]) ended on the shooter's initiative—sometimes when the shooter committed suicide or stopped shooting, and other times when the shooter fled the scene.

There were at least 25 incidents where the shooter fled the scene before police arrived. In 4 additional incidents, at least 5 shooters fled the scene and were still at large at the time the study results were released.

In other incidents, it was a combination of actions by citizens and/or law enforcement that ended the shootings. In at least 65 (40.6%) of the 160 incidents, citizen engagement or the shooter committing suicide ended the shooting at the scene before law enforcement arrived. Of those:

- In 37 incidents (23.1%), the shooter committed suicide at the scene before police arrived.
- In 21 incidents (13.1%), the situation ended after unarmed citizens safely and successfully restrained the shooter. In 2 of those incidents,<sup>24</sup> 3 off-duty law enforcement officers were present and assisted.
  - Of note, 11 of the incidents involved unarmed principals, teachers, other school staff and students who confronted shooters to end the threat (9 of those shooters were students).
- In 5 incidents (3.1%), the shooting ended after armed individuals who were not law enforcement personnel exchanged gunfire with the shooters. In these incidents, 3 shooters were killed, 1 was wounded, and 1 committed suicide.
  - The individuals involved in these shootings included a citizen with a valid firearms permit and armed security guards at a church, an airline counter, a federally managed museum, and a school board meeting.<sup>25</sup>
- In 2 incidents (1.3%), 2 armed, off-duty police officers engaged the shooters, resulting in the death of the shooters. In 1 of those incidents, the off-duty officer assisted a responding officer to end the threat.<sup>26</sup>

Even when law enforcement arrived quickly, many times the shooter still chose to end his life. In 17 (10.6%) of the 160 incidents, the shooter committed suicide at the scene after law enforcement arrived but before officers could act.

In 45 (28.1%) of the 160 incidents, law enforcement and the shooter exchanged gunfire. Of those 45 incidents, the shooter was killed at the scene in 21, killed at another location in 4, wounded in 9, committed suicide in 9, and surrendered in 2.



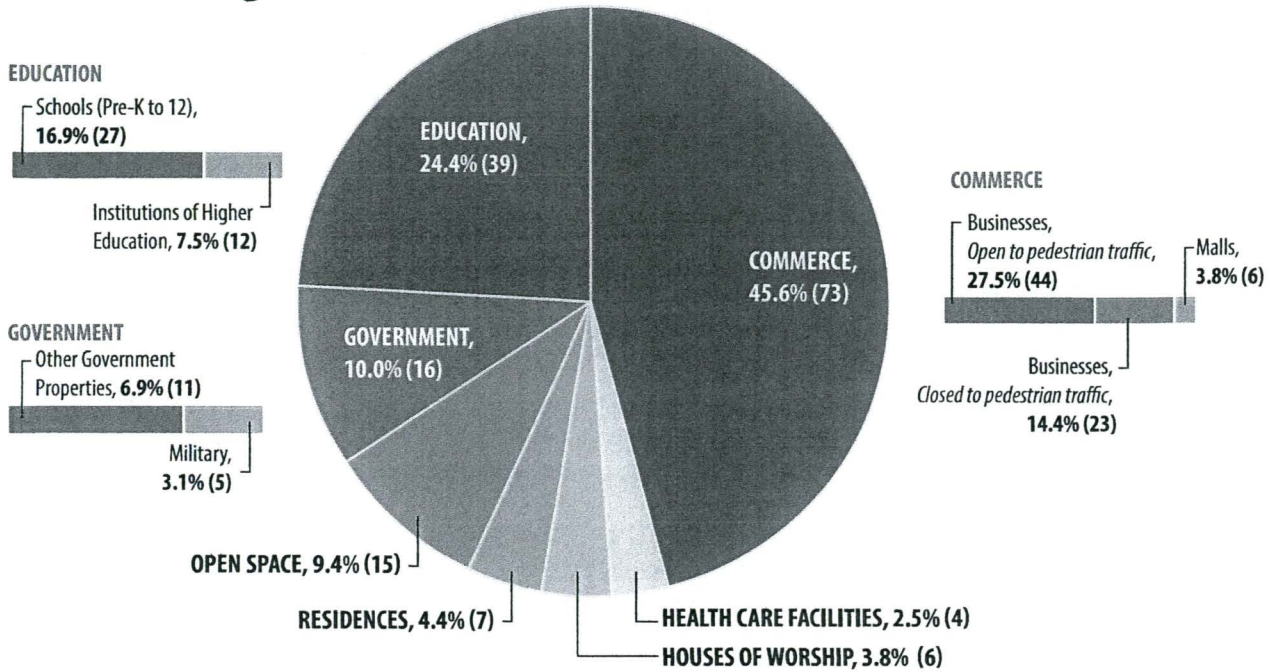
In 6 instances  
the shooter  
was female;  
all others  
were male.

<sup>24</sup> Santana High School, March 5, 2001; Appalachian School of Law, January 16, 2002. (See [Appendix A](#)).

<sup>25</sup> Player's Bar and Grill, May 25, 2008; Tom Bradley International Terminal at Los Angeles International Airport, July 4, 2002; Youth with a Mission Training Center/New Life Church, December 9, 2007; United States Holocaust Memorial Museum, June 10, 2009; Panama City School Board Meeting, December 14, 2010, Shooter wounded.

<sup>26</sup> AT&T Wireless, May 27, 2010; Trolley Square Mall, February 12, 2007.

## A Study of 160 Active Shooter Incidents in the United States Between 2000 - 2013: Location Categories



Source: Federal Bureau of Investigation, 2014

The study results identified 73 (45.6%) of 160 incidents that occurred in areas of commerce. These included businesses open to pedestrian traffic (44 [27.5%]), businesses closed to pedestrian traffic (23 [14.3%]), and malls (6 [3.8%]). These distinctions were made in order to determine whether the public was more at risk in areas where pedestrian traffic was likely.

Educational environments were identified as the second-largest location grouping (39 [24.4%]). These were further broken down as those occurring in schools (27 [16.9%], including two school board meetings) and IHEs (12 [7.5%]).

Other incidents, in descending order, were located in:

- Open spaces (15 [9.4%]);
- Government properties (16 [10.0%]);
  - Other (non-military) government properties (11 [6.9%])
  - Military properties (5 [3.1%])
- Residences (7 [4.4%]);
- Houses of worship (6 [3.8%]); and
- Health care facilities (4 [2.5%]).

These incidents ended when:

- 16 shooters committed suicide (13 did so at the scene before police arrived, 1 did so at the scene after police arrived, and 2 shooters fled the scene and committed suicide at another location);
- 3 shooters were apprehended at the scene (2 after being restrained by citizens);
- 3 shooters were killed by police (2 at the scene and 1 elsewhere); and
- 1 shooter fled and was apprehended by police at another location.

### Malls

The 6 incidents that occurred in malls resulted in 17 killed and 18 wounded. It appeared the shooters were neither employed by businesses in the affected malls nor had relationships with mall employees. The most incidents occurred on Sundays (2), with others occurring on a Monday (1), a Tuesday (1), and Wednesday (1), and a Thursday (1).

These incidents ended when:

- 3 shooters committed suicide at the scene before law enforcement arrived;
- 2 shooters were apprehended by law enforcement at the scene (1 after being restrained by a citizen); and
- 1 shooter was killed by law enforcement during an exchange of gunfire with responding officers, including an off-duty officer at the mall at the time.

### EDUCATION ENVIRONMENTS

The 39 incidents that occurred in educational environments (27 schools, 12 IHEs) resulted in 117 individuals killed and 120 wounded. Note that in this study, schools are defined as pre-kindergarten through 12th grade (PreK-12) educational facilities; incidents that occurred at school-related facilities such as school administration buildings are also included in this category.

Incidents in educational facilities account for some of the higher casualty counts. For example, the highest death tolls among the 160 incidents occurred at Virginia Polytechnic Institute and State University in Blacksburg, Virginia (32 killed, 17 wounded) and Sandy Hook Elementary School in Newtown, Connecticut (26 killed, 2 wounded [1 additional death at a residence]). Other high casualty counts occurred during the shootings at Northern Illinois University in DeKalb, Illinois (5 killed, 16 wounded) and Santana High School in Santee, California (2 killed, 13 wounded).

No law enforcement officers were killed or wounded in school incidents, and no officers were killed in incidents at IHEs. One officer was wounded in 1 incident at an IHE, however, it occurred at a medical facility on the campus and not in a campus residence or classroom.



Incidents in educational facilities account for some of the higher casualty counts.

### High Schools

The 14 HS incidents resulted in 21 killed (including 5 school employees) and 40 wounded (including 11 school employees). The shooters ages ranged from 14 to 19. All but 2 shooters were current students at the affected school; one was a former student and the other was a high school student at another school. The most incidents occurred on Mondays (5), followed by Wednesdays (4), Thursdays (2), Fridays (2), and a Tuesday (1).

These incidents ended when:

- 10 shooters were apprehended at the scene (2 by responding police officers, 7 after being initially restrained by school employees [including 1 incident where students assisted], and 1 by an off-duty police officer);
- 3 shooters committed suicide at the scene (1 before police arrived, 2 after); and
- 1 shooter fled and committed suicide at another location.

### Middle Schools

The 6 MS incidents resulted in 2 killed (2 school employees) and 6 wounded. The 5 MS shooters, who were students at the affected school, ranged in age from 12 to 15; the other shooter was 32. The incidents occurred on Mondays (3), Tuesdays (2) and a Thursday (1).

These incidents ended when:

- 3 shooters were apprehended by police after being restrained by school employees;
- 2 shooters committed suicide at the scene before police arrived; and
- 1 shooter was apprehended by police at the scene.

### Elementary Schools

The 4 ES incidents resulted in 29 killed (7 school employees) and 8 wounded (5 school employees). The shooters ranged in age from 20 to 48. None of the shooters worked at the schools, though 1 was a former teacher and 1 had a relationship with an individual at 1 of the schools. The shootings occurred on Fridays (2), a Wednesday (1), and a Thursday (1).

These incidents ended when:

- 3 shooters were apprehended at the scene (1 after being restrained by citizens); and
- 1 shooter committed suicide at the scene after police arrived.

### Pre-K Through 12th Grade School

A single incident occurred at a PreK-12 school resulting in 5 killed and 5 wounded. The incident, which occurred on a Monday, involved a 32-year-old shooter who committed suicide while law enforcement was on the scene.

In all but 2 of the 160 incidents, the shooters chose to act alone.

**IHEs**

The 12 IHE shootings resulted in 60 individuals killed and 60 individuals wounded. The shooters, 2 of whom were female, ranged in age from 18 to 62. The shooters included 5 former students, 4 current students, 2 employees, and 1 patient visiting a medical center. The most incidents occurred on Fridays (5) with others occurring on Mondays (2), Thursdays (2), a Sunday (1), a Tuesday (1), and a Wednesday (1).

These incidents ended when:

- 5 shooters were apprehended by police at the scene (1 after 2 off-duty officers and a citizen restrained him, and 1 after a being restrained by an off-duty mall security officer);
- 4 shooters committed suicide at the scene (3 before police arrived, 1 after);
- 2 shooters were killed by police at the scene; and
- 1 shooter fled the scene and was apprehended by police at another location.

**Schools**

The 27 school incidents resulted in 57 individuals killed and 60 individuals wounded. In 2 of the incidents, an adult fired on school board members during a board meeting. Of the remaining 25 incidents, 14 occurred in a high school (HS), 6 occurred in a middle school or junior high school (MS), 4 occurred in an elementary school (ES), and 1 occurred at a school including grades PreK-12.

Where shootings occurred inside buildings, 14 (51.9%) took place in school classrooms and hallways (9 HS, 3 MS, 1 ES, 1 PreK-12), 3 in the school cafeteria (2 HS, 1 MS), 2 in school administrative offices, 2 in school board meeting rooms, and 2 in the school when no classes were in session. An additional 4 incidents were initiated outside (1 HS, 2 MS, 1 ES), including 2 where the shooters were in vehicles.

In addition to the many student victims, the casualties included school employees, resulting in at least 14 killed (6 teachers, 5 five principals or assistant principals, and 3 other staff members) and another 16 wounded (9 teachers, 5 administrators, and 2 staff members).

In a majority of HS and MS incidents, the shooter was a student at the school; this was the case in 12 of 14 HS shootings and 5 of 6 MS shootings. Incidents at elementary schools did not involve the actions of a student.

**School Board Meetings**

The 2 incidents at school board meetings resulted in 1 individual wounded. The shooters were 56- and 58-year-old males. One shooter committed suicide after an exchange of gunfire with the school district's armed security guard, and the other shooter was arrested by police after other school administrators wrestled him to the ground.

# 64

of the shooters  
ultimately  
committed  
suicide.

HB 1310  
1-27-17  
#5

**NATIONAL RIFLE ASSOCIATION OF AMERICA**  
**INSTITUTE FOR LEGISLATIVE ACTION**  
**11250 WAPLES MILL ROAD**  
**FAIRFAX, VIRGINIA 22030-7400**

**MEMORANDUM OF SUPPORT**

---

**DATE:** January 27, 2017

**TO:** North Dakota House of Representatives, Energy and Natural Resources Committee

**FROM:** Christopher G. Kopacki, Ph.D., State Liaison

**RE:** House Bill 1310 - SUPPORT

---

On behalf of the National Rifle Association of America, I would like to express our strong support for House Bill 1310, which would allow school districts to allow authorized armed personnel on school property. The safety of children and schools is a top priority for the NRA and its members.

The horrific shootings at Sandy Hook Elementary School in Newtown, Connecticut in 2012 prompted a nationwide dialogue about school safety and how to best allow schools to address their specific security requirements. The NRA has been a part of this process. In 2013, the National School Shield Task Force, led by former Congressman Asa Hutchinson, concluded that there has been insufficient attention paid to school security needs across the nation, with medium to smaller-sized schools being the most likely to have the greatest security deficits. The Task Force found that properly trained and armed school officers, such as school resource officers, has proven to be an important layer of security in the prevention of and response to school threats. However, funding a school resource officer program can be expensive and not feasible for all school districts. HB 1310 can be a part of the solution.

Recognizing that there is no one-size-fits-all approach to school security and safety, one step localities may take is to allow trained and authorized armed personnel to carry firearms on school premises. HB 1310 authorizes school districts to make this decision for themselves. School districts that choose not to participate in this option simply do not have to participate. However, this is a decision that school districts should be able to determine for themselves based on funding, personnel and the existing security infrastructure, without an outright prohibition by the state.

Currently, 23 other states allow carry on school grounds with the permission of the school or the appropriate school authority. These states include: Alaska, California, Connecticut, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, Ohio, Oklahoma, Oregon, South Carolina, Texas, Utah, and

Vermont. These legislative solutions vary to some degree regarding standards and policy implementation, but all are based in the same policy interest of empowering schools and making students more secure.

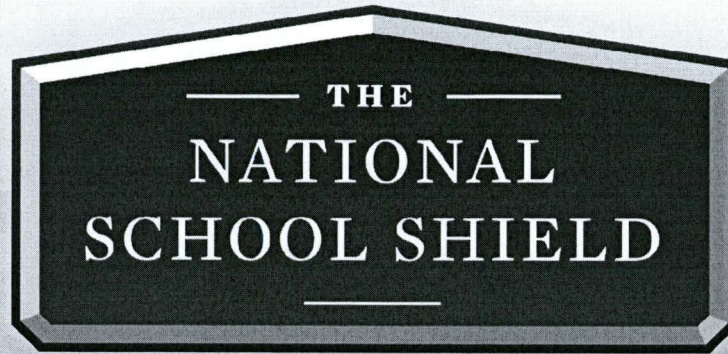
According to a 2015 report by the U.S. Department of Education (2013-2014), 65 percent of public schools reported that at least one violent incident occurred at school during the 2013-14 school year, but less than half of public schools (43%) had some type of security personnel present at the school at least once a week. (*Public School Safety and Discipline: 2013-14*, May 2015).

According to a national police source, the average response time for law enforcement is 18 minutes, and the average duration of an active shooter incident at a school is 12.5 minutes. (See Police magazine at <http://www.policemag.com/channel/patrol/articles/2013/10/quicker-response-to-active-shooters.aspx>). North Dakota is a big state. Not every locality or school has the same access to law enforcement, and because of that, police response times can vary significantly across the state. Further, the overall frequency of 911 calls has jumped by almost a fifth in the last decade—one source indicates that “[e]very year dating back to 2005, North Dakota communities have reported an increase in call volume for 911 emergencies. Since 2009, in fact, these calls have jumped 19 percent.” (See <https://www.emsl.com/ems-products/software/articles/2045027-Statewide-Next-Gen-911-accelerates-response-times>)

Should the unthinkable happen in North Dakota and an active school threat occur, armed personnel may be the best defense to protect our children and teachers. I urge you to vote in favor of HB 1310. Should you have any additional questions or concerns, please feel free to contact me at 703-267-1192.

Sincerely,

Christopher G. Kopacki, Ph.D.  
State Liaison  
National Rifle Association



# Report of the National School Shield Task Force

Asa Hutchinson  
Director  
National School Shield Task Force  
April 2, 2013





# TABLE OF CONTENTS

I. Background and Methodology.....	2-4
II. School Violence - A National Call for Action.....	5-7
III. Armed Officers (SROs), Funding History and Challenges.....	8-12
IV. Findings of National School Shield Task Force.....	13-16
V. Recommendations.....	17-20
VI. Conclusion.....	21

# BACKGROUND AND METHODOLOGY

What more can we do as a nation to improve the safety of our children at school? This was the question raised by the National Rifle Association (NRA) after the Sandy Hook tragedy in which twenty young lives were taken along with the lives of six devoted school staff.<sup>1</sup>

The posing of this question led to the assembly of a team of recognized experts in homeland security, law-enforcement training and school safety to conduct a survey of selected schools and their current security standards. This review has been conducted without any preconceived conclusions or mandate from the NRA except to determine what is needed to save young lives. The NRA has fully honored its commitment to respect the independence of this task force and to fund its work.

There are many experts in school safety. Some are self-proclaimed experts and others are nationally recognized leaders and innovators. The group of experts assembled for the National School Shield (NSS) Task Force is a selection of the most experienced and respected security experts; however, it is recognized that there are many others who have written, worked and contributed in the arena of school safety. While our report studied and reviewed the work of many in the field, our purpose was to bring together experts with different security backgrounds to provide a fresh perspective to the challenge of school violence. It is our hope that as the NSS continues into the future, the contribution and support for this initiative by school safety experts will expand.

Members of the task force include:

Ralph Basham, *Former Director of U.S. Secret Service, Former Commissioner of U.S. Customs and Border Protection, Former Director of Federal Law Enforcement Training Center*

Col. (ret.) John Quattrone, *U.S. Air Force Security Forces Officer, three-time Commander, Former Joint Staff Operations Antiterrorism/Homeland Defense Directorate, the Pentagon*

Tony Lambraia, *CEO of Phoenix RBT Solutions*

Bruce Bowen, *Former Deputy Director of U.S. Secret Service, Former Assistant Director of Federal Law Enforcement Training Center*

Thomas Dinanno, *Former Deputy Assistant Secretary for Critical Infrastructure Protection, U.S. Department of Homeland Security*

Robert Lambraia, *Director of Training of Phoenix RBT Solutions*

Joe Overstreet, *Former U.S. Secret Service Special Agent, Law Enforcement Training Manager of Phoenix RBT Solutions*

---

<sup>1</sup> Jason Barron, *Nation Reels After Gunman Massacres 20 Children at School in Connecticut*, THE NEW YORK TIMES, Dec. 14, 2012, at A1, available at <http://www.nytimes.com/2012/12/15/nyregion/sandy-hook-principal-and-school-psychologist-went-the-extra-mile.html?ref=nyregion>. See also Conn. Victims: *Lively youngsters, devoted adults*, ABC Local News (Dec. 17, 2012), [http://abclocal.go.com/wpvi/story?section=news/national\\_world&id=8918308](http://abclocal.go.com/wpvi/story?section=news/national_world&id=8918308).

Mike Restovich, *Former Chief Homeland Security Attache of U.S. Embassy in London, Former Assistant Administrator of U.S. Transportation Security Administration (TSA), Former Supervisor, U.S. Secret Service*

Randy Knapp, *Instructor, RBT Solutions*

Joseph Turitto, *Retired Police Sergeant*

Wence Arevalo, *Police SWAT/Entry Team Leader Sergeant*

Kirt Rothe, *Instructor, Phoenix RBT Solutions*

Jody D. Skaggs, *International Training Manager for Phoenix RBT Solutions*

In addition to the experience of the task force members, the following is a partial list of officials, schools and organizations that have made important contributions to this report by providing access to schools or by sharing their expertise and perspective.

Los Angeles Unified School District

National Association of School Resource Officers

Dr. Park Dietz, *President, Threat Assessment Group, Newport Beach, CA*

Dr. Rosa Blackwell, *former Superintendent of Cincinnati Public Schools*

Augustine Pescatore, *President of National Association of School Security Officers, Commander, Office for School Safety, Philadelphia School District*

National Association of Pupil Transportation, Albany, NY

Michael Dorn, *Executive Director, Safe Havens International, Inc.*

## DEMOGRAPHICS OF ASSESSED SCHOOLS

For security and confidentiality reasons, the exact names of the participating schools have been kept confidential. A general description of the assessed schools is being released to show the variety of schools surveyed by the assessment teams.

1. Midwestern area public school, rural, pre-K through 12, 1,000 students, no SRO on campus, planning on arming school staff
2. Mid-Atlantic area public school, suburban, K through 5, 652 students, no SRO on campus. Part-time visits by district SRO
3. Southeastern area public school, suburban, 6 through 8, 1,125 students, no SRO on campus; however, one full-time unarmed security representative is present. Part-time visits by district SRO
4. Southeastern area public school, suburban, 9 through 12, 2,837 students, full-time SRO (armed), full-time security staff member, plus staff of three, all armed
5. Southwestern area parochial private school, urban, pre-K through 8, 218 students, no SRO on campus
6. Southwestern area public school, urban, pre-K through 8, 939 students, no SRO on campus

In addition to the above schools, which underwent a comprehensive security assessment, the National School Shield Task Force interviewed scores of school

representatives, teachers, parents and law-enforcement officials. The experts who comprise the NSS Task Force have conducted hundreds of facility assessments, including specific evaluations of school security programs. The combined experience along with the specific assessments conducted in performance of the NSS mandate have led to the conclusions and recommendations set forth in this report.

## ASSESSMENT PROCESS

The evaluations of the security and emergency preparedness of each school consisted of a pre-assessment questionnaire presented to the principal, along with an examination of the floor plans and school design. The actual assessment, which was conducted over the course of two to four days, included:

- In-briefing with principal or superintendent
- Reviewing school's design, security/safety policies, emergency plans and procedures
- Observing day-to-day operations
- Conducting interviews with school principal, staff, security, teachers, crisis response team members, building engineers and others as necessary
- Determining potential threat(s) to location (risk analysis)
- Photographing and documenting observations

Finally, the principal was briefed at the conclusion of the assessment and provided the findings on vulnerabilities and recommendations of best practices to better secure the school.

The findings and recommendations contained in this report reflect, in part, the insights gained from these assessments. Appendix B is a summary of the common vulnerabilities and best practices observed during the course of the school assessments.

## SCHOOL VIOLENCE – A NATIONAL CALL FOR ACTION

On March 5, 2001, Charles Williams, a freshman at Santana High School in Santee, CA, used a .22-caliber revolver to shoot fifteen people at his school, killing two students and wounding thirteen others.<sup>2</sup> Two of the wounded included a student teacher and an unarmed campus security supervisor.<sup>3</sup> They were both shot when they attempted to stop Williams as he was reloading. The two off-duty police officers visiting the school at this time were on opposite ends of the building, but rushed to the scene of the crime and immediately called for backup. When the sheriff's deputies entered the bathroom, Williams was reloading his gun for the fourth time. As soon as he saw the officers, the young freshman that had just shot fifteen people quietly put down his gun and calmly surrendered.<sup>4</sup>

Jeff Weise killed five fellow students, a teacher and a security officer at Red Lake High School in Minnesota on March 21, 2005.<sup>5</sup> Early that morning, Weise killed his grandfather and his grandfather's girlfriend using a .22-caliber gun. Upon entering school that day, Weise was confronted by 28-year-old Derrick Brun, an unarmed guard. Weise murdered Brun before continuing into the school. He killed a total of nine people and wounded seven before taking his own life.

As the above examples demonstrate, the presence of a security guard or off-duty policeman when there is an active shooter is mostly ineffective unless the security officer is armed. Without a weapon to defend them, even the most heroic individuals are unprepared to defend against violent attackers armed with guns.

Contrast those cases with the 1997 shooting at Pearl High School. In that instance, Luke Woodham killed two students and wounded seven others at his high school before the school's assistant principal, Joel Myrick, disarmed him using a .45-caliber semi-automatic pistol that he retrieved from his truck.<sup>6</sup>

Now let's go back to the shooting at Santana High School in 2001. After that attack the officials in the Grossmont Union High School District, which includes both Santana High School as well as near by Granite Hills High School, decided to post armed officers at every school.<sup>7</sup> Less than three weeks after the Santana High School incident, Jason Hoffman, a student at Granite Hills High School, opened fire outside the administrative offices. Hoffman was able to fire about eight rounds before being taken

---

<sup>2</sup> Jessica Reaves, *Charles 'Andy' Williams*, TIME (Mar. 9, 2001), <http://www.time.com/time/nation/article/0,8599,101847,00.html>.

<sup>3</sup> EXCLUSIVE: *Santana School Shooter*, ABC News (Oct. 10, 2001), <http://abcnews.go.com/Primetime/story?id=132072&page=1>.

<sup>4</sup> Reaves, *supra* note 2.

<sup>5</sup> NBC News, *Teen who killed 9 claimed Nazi leanings* (Mar. 23, 2005), <http://www.nbcnews.com/id/7259823/#.UUjdRVsk5qs>.

<sup>6</sup> *How an Armed Assistant Principal Stopped a School Shooter*, CHICAGO NEWS BENCH (Dec. 17, 2012), <http://rogersparkbench.blogspot.com/2012/12/how-armed-assst-principal-stopped-school.html#.UUjilLsk5qs>.

<sup>7</sup> John Weldon, *Targeting Schools*, THE NEW AMERICAN (Mar. 1, 2013), <http://www.thenewamerican.com/culture/education/item/14656-targeting-schools>.

down and disarmed by Agent Rich Agundez, the school resource officer (SRO) on duty.<sup>8</sup> Fortunately, because of the presence and quick thinking of an armed security guard, Hoffman was prevented from taking the lives of any innocent students.<sup>9</sup>

School violence of this nature has been occurring in the U.S. for almost 300 years. Although there have been changes in the patterns and in the weapons used, mass casualty school assaults continue to have a deeply profound impact on the nation. The first recorded school shooting occurred on July 26, 1764, when four men entered a one-room schoolhouse, killing the schoolmaster and ten children.<sup>10</sup> The most deadly attack on a school occurred in May 1927 in Bath, Michigan, when a trustee from a local school board detonated 600 pounds of dynamite that he had placed inside Bath Consolidated School, before committing suicide by detonating a final explosion in his truck.<sup>11</sup> In the end, Andrew Kehoe had killed 45 people, including 38 elementary school children and his wife, and injured at least 58 more. One of the most notable school murders was the Virginia Tech massacre, when Seung-Hui Cho shot and killed 32 people and wounded 17 in two separate attacks that occurred about two hours apart.<sup>12</sup> This is the deadliest shooting incident by a single gunman in U.S. history.

During the 1999 shooting at Columbine High School, there was a full-time SRO on campus. Although the officer engaged in brief gunfire with the two murderers, which likely saved several lives, the officer remained outside the building caring for a wounded student as the killers proceeded inside.<sup>13</sup> With recent increased attention on the impact of SROs on school safety, and developments in training methods and procedures, armed guards are now able to more effectively protect students. If the situation at Columbine were to repeat itself, a trained SRO would have the skills to directly engage the active shooter and would be aware that neutralizing the threat is the first priority.

This list of atrocities goes on and includes the recent tragedy at Sandy Hook Elementary School in Newtown, CT.

---

<sup>8</sup> Steven Bartholow, *Santana Shooting in the Press: The New American and NOVA*, SANTEE PATCH (March 5, 2013), [http://santee.patch.com/articles/santana-shooting-video#youtube\\_video-13436413](http://santee.patch.com/articles/santana-shooting-video#youtube_video-13436413). See also *Another School Shooting*, ABC NEWS (March 22, 2001), <http://abcnews.go.com/US/story?id=93750&page=1>.

<sup>9</sup> Mike Nelson, *5 Shot at Granite Hills High School, Ca.*, 26 SAFER SCHOOLS NEWS (March 22, 2011), [http://www.keystosaferschools.com/Granite\\_Hills\\_California\\_Shooting032201.htm](http://www.keystosaferschools.com/Granite_Hills_California_Shooting032201.htm).

<sup>10</sup> Carole Devine, *School shootings are becoming an American dilemma*, HELIUM (Oct. 29, 2009), <http://www.helium.com/items/1632829-school-shootings-in-america>.

<sup>11</sup> Nadia Reiman & Michael Garofalo, *Survivors Recall 1927 Michigan School Massacre*, NPR (April 17, 2009, 4:00PM), <http://www.npr.org/templates/story/story.php?storyId=103186662>; See also Graham Osteen, *The Bath, Michigan, school tragedy of 1927*, THE ITEM (Dec. 16, 2012 6:00AM), [http://www.theitem.com/opinion/graham\\_osteen/the-bath-michigan-school-tragedy-of/article\\_70b2cde8-4744-11e2-bb88-001a4bcf887a.html](http://www.theitem.com/opinion/graham_osteen/the-bath-michigan-school-tragedy-of/article_70b2cde8-4744-11e2-bb88-001a4bcf887a.html).

<sup>12</sup> Shaila Dewan & Johan M. Broder, *Two-Hour Delay Is Linked to Bad Lead*, THE NEW YORK TIMES (April 18, 2007), available at <http://www.nytimes.com/2007/04/18/us/18virginia.html?pagewanted=1&ref=chouseunghui>.

<sup>13</sup> Daniel Foster, *Columbine Had an Armed Guard*, NATIONAL REVIEW ONLINE (Dec. 21, 2012, 2:09PM), <http://www.nationalreview.com/corner/336338/columbine-had-armed-guard-daniel-foster>; See also David B. Kopel, *What If We Had Taken Columbine Seriously?*, 5 THE WEEKLY STANDARD 31 (April 24-May 1, 2000), available at <http://www.davekopel.org/2A/Mags/WhatIfWeHadTakenColumbineSeriously.htm>.

# ARMED OFFICERS (SROs), FUNDING HISTORY AND CHALLENGES

School resource officers are sworn law-enforcement officers who use a community-oriented policing philosophy to improve school safety and foster better relationships between law enforcement and youth.<sup>14</sup> They have a unique position in which they are “called upon to perform many duties not traditional to the law-enforcement function, such as instructing students, serving as mentors and assisting administrators in maintaining decorum and enforcing school board policy and rules.”<sup>15</sup> SRO programs emphasize the importance of collaboration between school officials and local law enforcement by promoting a community-based approach to school violence. The National Association of School Resource Officers (NASRO) has divided the responsibilities of SROs into three areas, referred to as the “triad” concept of school-based policing: (1) educator, (2) informal counselor and (3) law-enforcement officer.<sup>16</sup> In addition to their training as law-enforcement officers, each SRO receives specialized training in teaching and counseling.<sup>17</sup>

The benefits of SROs go beyond increasing campus safety. Several communities have reported that placing SROs at schools has reduced the burden on patrol officers and road deputies who no longer need to respond to individual problems at local schools.<sup>18</sup> They have also helped improve the image of police officers among youth and fostered better relationships between juveniles and police.<sup>19</sup> This is all in addition to enhancing school safety by protecting students, teachers and administrators.

The past two decades have witnessed a drop in incidences of school violence, including homicide rates<sup>20</sup> and violent crime.<sup>21</sup> This positive trend mirrors the expansion of SRO programs around the country: As more SRO officers have been assigned to schools, school death rates have decreased.<sup>22</sup> These numbers support the notion that the presence of armed officers positively impacts the school environment. Despite this

---

<sup>14</sup> NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, TO PROTECT & EDUCATE: THE SCHOOL RESOURCE OFFICER AND THE PREVENTION OF VIOLENCE IN SCHOOLS 1 (Oct. 2012), (hereinafter NASRO SRO REPORT), available at: [http://www.nasro.org/sites/default/files/pdf\\_files/NASRO\\_Protect\\_and\\_Educate.pdf](http://www.nasro.org/sites/default/files/pdf_files/NASRO_Protect_and_Educate.pdf).

<sup>15</sup> *C.M.M. v. State*, 983 So. 2d 704 (Fla. Dist. Ct. App. 5th Dist. 2008).

<sup>16</sup> NASRO SRO REPORT, *supra* note 14, at 3.

<sup>17</sup> NASRO responds to NRA recommendations, NATIONAL ASSOCIATION OF RESOURCE OFFICERS (Dec. 21, 2012), <http://www.nasro.org/content/nasro-responds-nra>.

<sup>18</sup> PETER FINN, MEG TOWNSEND, MICHAEL SHIVELY, & TOM RICH, A GUIDE TO DEVELOPING, MAINTAINING, AND SUCCEEDING WITH YOUR SCHOOL RESOURCE OFFICER PROGRAM 210 (June 2005), (hereinafter SRO PROGRAM GUIDE), available at [http://www.cops.usdoj.gov/files/ric/CDROMs/SchoolSafety/Law\\_Enforcement/AGuidetoDevelopingMaintainingSucceeding.pdf](http://www.cops.usdoj.gov/files/ric/CDROMs/SchoolSafety/Law_Enforcement/AGuidetoDevelopingMaintainingSucceeding.pdf).

<sup>19</sup> *Id.* at 212.

<sup>20</sup> Michael Dorn, *Sandy Hook Elementary School Shooting in Newtown, CT - Initial Thoughts*, SAFE HAVENS INTERNATIONAL (Dec. 15, 2012), <http://www.safehavensinternational.org/sandy-hook-elementary-shooting-newtown-ct/>.

<sup>21</sup> Jon Anderson, *Violent crime in schools actually dropped 74 percent from 1992 to 2010, Hoover police Chief Nick Derzis says* (updated), ALABAMA LIVE (Jan. 31, 2013, 1:49 PM), [http://blog.al.com/spotnews/2013/01/crime\\_in\\_schools\\_actually\\_drop.html](http://blog.al.com/spotnews/2013/01/crime_in_schools_actually_drop.html).

<sup>22</sup> NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, TO PROTECT & EDUCATE: THE SCHOOL RESOURCE OFFICER AND THE PREVENTION OF VIOLENCE IN SCHOOLS 9 (Oct. 2012), available at: [http://www.nasro.org/sites/default/files/pdf\\_files/NASRO\\_Protect\\_and\\_Educate.pdf](http://www.nasro.org/sites/default/files/pdf_files/NASRO_Protect_and_Educate.pdf).

upward trend, active shooter situations and other school attacks remain a grave concern for the nation.<sup>23</sup>

## FUNDING SOURCES

Over the years, there have been a variety of responses to school violence. In 1994, President Clinton announced the creation of the Department of Justice's Office of Community Oriented Policing Services (COPS). The \$60 million grant program was intended to provide communities with the resources necessary to tackle crime and violence in schools.<sup>24</sup> Following a wave of school shootings in the late 1990s, which included the Columbine massacre, COPS introduced a new program, called COPS in Schools (CIS), which awarded funding grants for schools to hire specially trained community officers.<sup>25</sup> Launched in 1999, CIS has provided for more than 6,500 SROs around the country.<sup>26</sup> Before funding for the program was cut in FY2006, it appeared to have a positive impact on the school environment. For example, students, faculty, and staff reported feeling safer with the presence of SROs on school grounds.<sup>27</sup> Even in situations where the community was initially reluctant to have police officers on campus, many school administrators and parents were pleased with their SRO programs.<sup>28</sup>

The purpose of CIS grants is to help schools initiate the SRO program, and thus they are only available for the initial three years, at which point schools become responsible for finding their own funding.<sup>29</sup> In some instances, when the CIS grants expired, the police department absorbed the entire cost of the program.<sup>30</sup> Although federal funds used to be the major source of program support in King County, WA, it no longer receives any federal funding.<sup>31</sup> Rather, the city and school district work together to pay the sheriff's office for each full-time SRO.<sup>32</sup>

Many schools have maintained their SRO programs by finding alternative funding sources, including state appropriations and local aid.<sup>33</sup> The majority of programs across the nation are funded by two or more sources.<sup>34</sup> The cost of these programs varies greatly depending on a myriad of factors, including location. For example, the

---

<sup>23</sup> See Dorn, *supra* note 20.

<sup>24</sup> Eliana Johnson, *Cops in School*, NATIONAL REVIEW ONLINE (Dec. 31, 2012, 4:00PM), <http://www.nationalreview.com/articles/336637/cops-schools-eliana-johnson>.

<sup>25</sup> *COPS in Schools (CIS)*, U.S. DEPARTMENT OF JUSTICE <http://www.cops.usdoj.gov/default.asp?Item=54> (last visited March 25, 2013).

<sup>26</sup> See *id.*

<sup>27</sup> PETER FINN & JACK McDEVITT, NATIONAL ASSESSMENT OF SCHOOL RESOURCE OFFICER PROGRAMS FINAL PROJECT REPORT 19 (Feb. 28, 2005).

<sup>28</sup> Barbara Raymond, *Assigning Police Officers to Schools*, in PROBLEM-ORIENTED GUIDES FOR POLICE, RESPONSE GUIDES SERIES NO. 10 (Center for Problem-Oriented Policing, Inc., 2010).

<sup>29</sup> See SRO PROGRAM GUIDE, *supra* note 18, at 192.

<sup>30</sup> See *id.* at 210.

<sup>31</sup> See *id.* at 194. Similarly, the SRO program in the Virginia Beach Police Department was originally funded one hundred percent from grants, which it no longer receives. As a result of the popularity of the program, the police chief and school superintendent were able to convince the city council to fund the entire program once the grants ceased. *Id.*

<sup>32</sup> See *id.* (noting that they are only required to pay about one-third of the total cost of each SRO).

<sup>33</sup> See *id.* at 191-202.

<sup>34</sup> See *id.* at 191.



Terrebone Parish in Louisiana receives \$280,000 to support nine SROs, while the program budget in Fontana, CA, is \$969,000 for only eight SROs.<sup>35</sup> In the event that federal grants are not available, many communities have looked for creative ways to support their SRO programs, including through private corporations or charities.<sup>36</sup> Some police departments have even held fundraisers in an attempt to raise money.<sup>37</sup>

Most often, the cost is shared between the law-enforcement agency and the school district.<sup>38</sup> At the Murrieta Valley High School in San Diego, the police department and the school district jointly fund the SRO program, with the former picking up a majority of the costs.<sup>39</sup> In Virginia, the School Resource Officer Program is generally subsidized by two sources: the Byrne Justice Assistance Grant Program (JAG), the leading source of federal justice funding to state and local jurisdictions,<sup>40</sup> and the SRO Incentive Grants Fund, which comes from the state.<sup>41</sup> In addition, school communities may also seek funding from private sources.<sup>42</sup>

Some communities face grave challenges in trying to maintain their program. Schools in Indiana are requesting an expansion of the current SRO program, but lawmakers have not yet identified funding for the additional personnel.<sup>43</sup> One piece of legislation proposes creating a fund to give matching grants of up to \$50,000 to districts to help pay for the officers.<sup>44</sup> Knox County Schools in Tennessee have just requested an additional \$1.9 million from the County Commission to fund 58 new SROs.<sup>45</sup>

## OTHER FEDERALLY FUNDED SCHOOL SAFETY PROGRAMS UNDER COPS

For several years after CIS funding ceased, COPS continued to fund other school safety initiatives. In 2005, \$14.7 million was granted to 187 local law-enforcement agencies through the Secure Our Schools program (SOS),<sup>46</sup> which helps law-enforcement agencies collaborate with schools in purchasing crime-prevention equipment and conducting staff and student training. COPS awarded \$14.8 million in both 2006 and 2007 to fund 174 and 152, respectively, local law-enforcement agency efforts towards

<sup>35</sup> *Id.* at 192.

<sup>36</sup> *Id.* at 201-4 (citing examples of funds coming from organizations like United Way and the American Legion, and from private companies, such as Microsoft, Toyota Motor Sports, and the Auto Club).

<sup>37</sup> *Id.* at 201, 205 (citing examples of hosting golf tournaments and a Kiwanis fundraiser).

<sup>38</sup> *See id.* at 192.

<sup>39</sup> Tom Sheridan, *School resource officers are no 'Kindergarten Cops'*, U.T. SAN DIEGO (Feb. 11, 2013), <http://www.utsandiego.com/news/2013/feb/11/school-resource-officers-murrieta/>.

<sup>40</sup> *Edward Byrne Justice Assistance Grant (JAG) Program Fact Sheet*, BUREAU OF JUSTICE ASSISTANCE, [https://www.bja.gov/Publications/JAG\\_Fact\\_Sheet.pdf](https://www.bja.gov/Publications/JAG_Fact_Sheet.pdf) (last visited Mar. 29, 2013).

<sup>41</sup> *Virginia School Resource Officer (SRO) Program*, VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES, <http://www.dcss.virginia.gov/vcss/sro.cfm> (last visited Mar. 29, 2013).

<sup>42</sup> SRO PROGRAM GUIDE, *supra* note 18, at 204 (including major donors such as Microsoft, Toyota Motor Sports, and the Auto Club).

<sup>43</sup> Chris Proffitt, *Lawmakers consider bill that would help fund school resource officers, other safety measures*, THE INDY CHANNEL (Mar. 8, 2013), <http://www.theindychannel.com/news/local-news/lawmakers-consider-bill-that-would-help-fund-school-resource-officers-other-safety-measures>.

<sup>44</sup> *Id.*

<sup>45</sup> Lydia X. McCoy, *Knox Schools to seek additional funding for 58 school resource officers*, KNOX NEWS (Mar. 6, 2013 at 10:37PM), <http://www.knoxnews.com/news/2013/mar/06/knox-schools-to-see-additional-funding-for-58/>.

<sup>46</sup> COPS HISTORY (1994 - THE PRESENT), COPS: COMMUNITY ORIENTED POLICING SERVICES, <http://www.cops.usdoj.gov/default.asp?item=44> (last visited Mar. 29, 2013).

enhancing school safety.<sup>47</sup> Another program made possible by COPS funding is Safe Schools/Healthy Students (SS/HS). Under the SS/HS program, the Departments of Justice, Education, and Health and Human Services work together to promote a comprehensive healthy childhood development by emphasizing the relationship between prevention activities and community-based services, such as mental health and law enforcement. The SS/HS program received a grant of \$10 million from COPS to hire approximately 100 SROs.

It should be noted that because of federal budget constraints and shifting priorities, key school safety programs have declined in funding or have been terminated completely. The SOS program and the School Safety Initiative (SSI), which have been primarily funded by congressional earmarks for the last decade, have not received funding in the past few years. The SOS program, which provided more than \$110 million between 2002 and 2011, ended in 2012.<sup>48</sup> The School Safety Initiative, which gave state and local agencies more than \$53 million in grants between 1998 and 2010 for delinquency prevention, community planning and development, and school safety resources, ended in 2011.

Other sources of federal funding outside the COPS program include the U.S. Department of Education Safe and Drug-Free Schools Program,<sup>49</sup> the Edward Byrne Memorial State and Local Law Enforcement Assistance Program,<sup>50</sup> and the Juvenile Accountability Incentive Block Grants.<sup>51</sup>

## CONCLUSION

As a result of funding challenges, many schools have been unable to afford employing a single SRO, and even schools that have SROs are lacking the institutional knowledge of how to incorporate these officers into a more comprehensive safety plan. Without proper guidance, including adequate training and best practices guidelines, schools remain vulnerable to incidents of school violence. In a 2004 survey, school resource officers reported significant gaps in their schools' security, that the school crisis plans were inadequate, and that the plans were not tested on a regular basis.<sup>52</sup>

---

<sup>47</sup> *Id.*

<sup>48</sup> John Solomon & Kimberly Dvorak, *Before Connecticut tragedy, administration eliminated emergency preparedness program, let school violence prevention programs lapse*. WASHINGTON GUARDIAN (Jan. 2, 2013). In FY 2011, SOS grant funding provided more than \$13 million to law enforcement agencies to assist schools with school safety and security concerns. *COPS Fact Sheet: Secure Our Schools*, COPS: COMMUNITY ORIENTED POLICING SERVICES, <http://www.cops.usdoj.gov/pdf/2011AwardDocs/CSPP-SOS-CHP/2011-SOS-Post-FactSheet.pdf> (last visited Mar. 29, 2013).

<sup>49</sup> SRO PROGRAM GUIDE, *supra* note 18, at 200.

<sup>50</sup> *Id.* (coming from the Bureau of Justice Assistance at the U.S. Department of Justice).

<sup>51</sup> *Id.* (coming from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention).

<sup>52</sup> KENNETH TRUMP, 2004 NATIONAL SCHOOL-BASED LAW ENFORCEMENT SURVEY: SCHOOL SAFETY LEFT BEHIND? SCHOOL SAFETY THREATS GROW AS PREPAREDNESS STALLS & FUNDING DECREASES 5 (2005), National School Safety and Security Services, available at [http://www.schoolsecurity.org/resources/nasro\\_survey\\_2002.html](http://www.schoolsecurity.org/resources/nasro_survey_2002.html).

# FINDINGS OF THE NATIONAL SCHOOL SHIELD TASK FORCE

**Finding No. 1:** There has been insufficient attention paid to school security needs in our nation, and the greatest security gap falls within the medium- to smaller-size schools, which do not have the level of resources of the larger school districts.

*Comment:* A study of Virginia schools found that the elimination of SRO positions over a two-year period occurred mainly in the smaller schools, and was most likely due to reductions in federal and state grants for SRO programs.<sup>53</sup>

In addition, another gap identified by the assessment teams sent out by the National School Shield Task Force is that older schools, constructed more than ten years ago, have greater security challenges than newer facilities. More recently designed schools have more architectural attention devoted to security features in contrast to the building design and layout of older facilities.

Prior to the Sandy Hook incident, most schools took the view that “it probably won’t happen here.” Sandy Hook school leadership has since realized the vulnerability of an unprotected school and the need to take action.

**Finding No. 2:** Many schools do not have a formal, written security plan, and even for those that do, they are often either inadequate or not properly exercised. Schools across the nation vary greatly based on size, geography, student composition, building design, threats and a variety of other factors, all of which dictate the need for individualized and tailor-made security plans adapted to the uniqueness of the particular school.

*Comment:* The plan should be an all-hazards approach that is uniquely designed for the individual campus. The plan should set forth layers of security including use of technology, perimeter security, staff training, properly conducted security drills, and coordination with local law enforcement, fire service and emergency responders.

**Finding No. 3:** A properly trained armed school officer, such as a school resource officer, has proven to be an important layer of security for prevention and response in the case of an active threat on a school campus.

*Comment:* A study of SROs in Virginia found that they have become “an important feature of local law enforcement and public schools.”<sup>54</sup> The success of any law-enforcement presence and its deterrent value is always difficult to measure, but the

---

<sup>53</sup> JOHN G. SCHUITMAN, THE STATUS OF VIRGINIA SROs: 2007, at 2 (Virginia Department of Criminal Justice Services, Apr. 6, 2007).

<sup>54</sup> *Id.* at 8.

assessments to date lead to the conclusion that a properly trained SRO is an important part of the security efforts of any school.

**Finding No. 4:** Local school authorities are in the best position to make a final decision on school safety procedures, specifically whether an armed security guard is necessary and supported by the education and citizen community.

**Finding No. 5:** Many public and non-public schools are financially unable to include armed security personnel as part of the school security plan and have resorted to school staff carrying firearms in order to provide an additional level of protection for the students and staff in the event of a violent incident on school property.

*Comment:* The school staff generally receives authorization from law enforcement as a reserve deputy or authorized security officer, even though the training required is inconsistent and often inadequate. Currently, there is no nationally recognized training program for the safe and effective carry, storage, maintenance and administration of firearms by school employees.

For example, in February, after the Sandy Hook tragedy, the Van, TX, school board, which serves more than 2,000 students, voted to allow guns on campus. This action authorized certain school employees to carry firearms on school property, at school events and at board meetings.<sup>55</sup>

**Finding No. 6:** While the local school leadership should make all final decisions regarding the elements of the school security plan, the individual states, with few exceptions, have not made school security an element of adequacy in school standards.

*Comment:* Every school is unique, and there is not a single security plan that covers all schools. A school security plan must be locally tailored to be effective, reliable and safe. What is essential is that every school conducts its own security assessment and develops a plan that covers the vulnerabilities determined in the assessment. States should set the requirements for security and risk assessment and the development of an adequate all-hazards security plan for the school.

**Finding No. 7:** School officials are not generally trained in security assessments or the development of comprehensive safety and security plans. Ideally, a school retains professional assistance in developing their school security plans; however, there is a compelling need for professional-quality online self-assessment tools. This need was emphasized in a recent statement before the House Committee on Education and the Workforce: "While there is certainly some information on websites and in other literature, and products do exist and are on the market to secure our nation's schools,

---

<sup>55</sup> Molly Hennessy-Fiske, *Texas school staffer shot during gun class*, LA Times (Feb. 28, 2013), <http://articles.latimes.com/2013/feb/28/nation/la-na-nn-texas-school-worker-shot-20130228>.

we have not been able to find in our research a website or other single source of information that comprehensively integrates all of the security needs together.”<sup>56</sup>

*Comment:* A professional security consultant generally costs \$10,000 per school campus. An online self-assessment tool will make the work of the security consultant more cost effective, and it will assist the school officials in knowing what security enhancements are needed.

**Finding No. 8:** Federal funding for the personnel costs of SROs has served as a pathway for increased security in our schools, but federal funding has proved unreliable as a long-term solution to the school safety and security needs of our nation.

*Comment:* Many states, including Connecticut<sup>57</sup> and Wyoming<sup>58</sup>, have been forced to shut down or reduce their SRO programs after federal budget cuts, yet remain actively searching for alternative funding options so they can bring SROs back to schools.

**Finding No. 9:** There are numerous federal agencies and programs that provide valuable school safety resources; however, there is a lack of coordination between the federal agencies resulting in gaps, duplication and inefficiencies.

*Comment:* There are at least three different Cabinet-level departments that have some involvement in school safety policy, funding or initiatives. The Department of Justice, the Department of Homeland Security and the Department of Education all have programs focusing on school safety. Within each department there are multiple sub-agencies that are working (sometimes independently of each other) on school safety programs.

**Finding No. 10:** History teaches us that in most violent attacks at a school, there are multiple early warning signs, called pre-incident indicators, of a student or outside person who exhibits threatening behavior and poses a risk to the school.<sup>59</sup> In order to properly use these indicators to minimize the risk of violence, schools must develop a culture of awareness and willingness to share this information with the proper

---

<sup>56</sup> *Protecting Students and Teachers: A Discussion on School Safety: Hearings Before the House Comm. on Education and the Workforce*, 113<sup>th</sup> Cong. (Feb. 27, 2013) (testimony of Brett Bontrager, Senior Vice President and Group Executive, Stanley Black & Decker), available at: [http://edworkforce.house.gov/uploadedfiles/bontrager\\_testimony.pdf](http://edworkforce.house.gov/uploadedfiles/bontrager_testimony.pdf).

<sup>57</sup> Dave Altamari, *State Troopers May Be Put Back In Schools*, THE HARTFORD COURANT (Jan. 22, 2013), [http://articles.courant.com/2013-01-22/news/hc-newtown-school-resource-officers-20130119\\_1\\_school-resource-officers-thomas-davoren-state-troopers](http://articles.courant.com/2013-01-22/news/hc-newtown-school-resource-officers-20130119_1_school-resource-officers-thomas-davoren-state-troopers).

<sup>58</sup> Elysia Conner, *Wyoming officials look for ways to improve school safety*, BILLINGS GAZETTE (Mar. 17, 2013, at 11:45PM), [http://billingsgazette.com/news/state-and-regional/wyoming/wyoming-officials-look-for-ways-to-improve-school-safety/article\\_63037732-ec2e-5048-8c0d-b4d6b0c4bcb4.html](http://billingsgazette.com/news/state-and-regional/wyoming/wyoming-officials-look-for-ways-to-improve-school-safety/article_63037732-ec2e-5048-8c0d-b4d6b0c4bcb4.html).

<sup>59</sup> The FBI and Secret Service found that in many instances of school violence, the perpetrator indicated their intentions to peers prior to the attack. Dewey G. Cornell, *The Virginia Model for Student Threat Assessment 3*, CONFRONTING VIOLENCE IN OUR SCHOOLS: PLANNING, RESPONSE, AND RECOVERY – A PERI SYMPOSIUM, available at: <http://www.apa.org/about/gr/issues/violence/virginia-model.pdf>. Mitchell Johnson, of Westside Middle School, Arkansas, told his friends he would be "running from the cops," foreshadowing his intentions, but students who heard him didn't know how to interpret his comments. Katherine Newman, *In school shootings, patterns and warning signs*, CNN.COM (Dec. 17, 2012, at 11:35AM), <http://www.cnn.com/2012/12/17/opinion/newman-school-shooters>. After Michael Carneal of Heath High School, Kentucky, shot three students, his peers later recalled his "jokes" about taking over the school, and had actually seen him bring guns to school - but nobody knew how to respond or what to do with these warnings. Karen Samples Gutierrez, *Michael Carneal: Torment of a Teen Killer*, CINCINNATI.COM (Sep. 14, 2002), [http://www.enquirer.com/editions/2002/09/14/loc\\_gutierrez\\_michael.html](http://www.enquirer.com/editions/2002/09/14/loc_gutierrez_michael.html).

individuals. A positive school culture has also been linked to reducing incidences of bullying, which is frequently associated with an attackers' decision to engage in a violent act. The *Best Practices Guidelines*, in Appendix A (pp. 9-22), contains additional information on school climate and the relationship to school violence.

The most widespread and effective tool that has been used to identify pre-incident indicators and other indicators of school dynamics is the use of Threat Assessment Groups or Behavioral Intervention Teams (BIT). These teams are trained to identify individuals who may pose a risk to society, and assist in the development of an individualized plan of mental health and educational services. The *Best Practices Guidelines*, in Appendix A (pp. 16-20), has more information on pre-incident indicators for adults and students.

*Comment:* The impact of threat assessment teams is demonstrated in a 2011 survey of Virginia school safety. The schools that used the threat assessment guidelines developed by the University of Virginia reported lower rates of weapons-related disciplinary infractions and lower rates of school suspensions.<sup>60</sup> The students in these schools experienced less bullying, were more likely to seek help for bullying and threats of violence, and had more positive perceptions of school climate.<sup>61</sup>

---

<sup>60</sup> Dewey Cornell, Peter J. Lovegrove, Donna Michaelis, & Sherri Johnson, *The 2011 Virginia School Safety Audit Survey Results*, Virginia Department of Criminal Justice Services (June 2011).

<sup>61</sup> See *id.* at 9.

# RECOMMENDATIONS

The following recommendations have been provided to the NRA as it considers its future commitment to the mission of school security and safety. Some of the recommendations also apply to federal and state policy makers, and it is our intent that the recommendations will add to the national discussion and be part of the solutions to the common goal of protecting our children.

**No. 1: Training** A model-training program has been developed by the NSS Task Force for the professional training of armed personnel in the school environment. Appendix D is the public version of the training outline for law-enforcement school resource officers, and Appendix E is the public version of the training outline for armed school personnel. This training will only be open to those who are designated by school officials and qualified by appropriate background investigation, testing and relevant experience.

The National School Shield initiative should adopt this model-training program for armed officers or personnel in the schools as a best practice. The NRA has the nationally recognized expertise to develop and implement the stringent training courses required by this model program. It is recommended that the professional training programs that are approved by the states for armed school personnel use private sector approved and certified trainers as well as traditional state law enforcement trainers. Appendix C is the public version of the Train the Trainer Program.

**No. 2: Adoption of Model Law for Armed School Personnel** Many states prohibit anyone other than a sworn law-enforcement officer or licensed security guard to carry a firearm in a public or non-public school. In order for a selected school staff member to be designated, trained and armed on school property, the states will have to change current legal restrictions.

Attached, as Appendix H, is a model state law that is presented for that purpose.

**No. 3: School Resource Officer** Each school that employs an SRO should have a Memorandum of Understanding (MOU), or an "interagency agreement," between the appropriate law-enforcement agency and the school district. This contract should define the duties and responsibilities of the SRO, as well as the applicable laws, rules and regulations.

The objective of the SRO is not to increase juvenile arrests within a school, but to provide security and to support the normal disciplinary policies of a school consistent with the MOU.

**No. 4: Online Self-Assessment Tool** An internet-based self-assessment tool has been created to allow any school (whether public, private or parochial) to have secure access to comprehensively evaluate and assess the security gaps and vulnerabilities of each school.

Appendix G is the general description of this online self-assessment security tool.

The National School Shield initiative should pilot this self-assessment tool in three school districts of different sizes in order to perfect the questions and scoring. After the pilot projects are completed, this assessment tool should be deployed in a secure fashion on the NSS website for free access by all schools who obtain authorization codes.

This self-assessment tool is based on research-backed concepts and is guided by the unique characteristics of the individual school. The scenario-based questions prompt schools to identify the operational and functional weaknesses in their security and assist them in finding solutions to fill the gaps. The outcome-based performance standards ensure that the assessment is applicable to the unique characteristics of any given school.

**No. 5: State Education Adequacy Requirement** State standards related to school security vary from non-existent to stringent. Although state responses to school security will naturally vary, there should be a common element that requires all public schools to participate in an assessment and develop a security plan based on the unique requirements of that particular institution.

**No. 6: Federal Coordination and Funding** Either through legislation or executive action, a lead agency should be designated to coordinate the federal programs and funding of local school safety efforts. The Department of Homeland Security should be designated as the lead, supported by the Department of Education and Department of Justice.

In terms of funding, the historic model of COPS program grants and modest grants through other programs is neither consistent nor adequate to provide armed officers in our nation's schools and to fund other security-related improvements desperately needed in our schools. While the focus of this report is to create a means of private-sector support for school safety, we note that there are numerous grant programs that are not available to schools.

It is recommended that the Department of Homeland Security grants should be open for school security programs such as training, risk assessment and security response planning. This would not involve any additional federal funds, but would open up schools as a potential recipient of the Homeland Security grants.

**No. 7: Umbrella National Organization to Advocate and Support School Safety** Because of the limitations of federal, state and local funding for school safety, there is an



important role that can be filled by a private non-profit advocacy and education organization. The National School Shield is in a position with adequate funding and support from the NRA to fulfill this important national mission.

The NSS mission would: (a) provide national advocacy for school safety; (b) supply ongoing online self-assessment and other tools for public, private and parochial schools; (c) make available best practices in school safety to help guide schools in the development of school safety and security policies; (d) fund innovative pilot projects and training costs for armed school personnel; and (e) provide state-of-the-art training programs in the area of school safety and security.

It is recommended that an advisory board be created to provide counsel on the development of the NSS initiative and to assist in the securing of adequate funding for the programs.

While every school should have free access to the online resources of the NSS, it is recommended that before a school can be certified as a member of NSS, it must meet a set of strict criteria. Membership requirements would include:

- (a) Completion of online security assessment of school, supplemented as needed by on-site technical assistance
- (b) Development of comprehensive all-hazards school security plan based upon the assessment
- (c) Coordination and training with local law enforcement and first responders
- (d) Presence in the school of a trained armed law-enforcement officer, security officer or trained armed school staff
- (e) Periodic reviews of school security program utilizing available technical assistance to ensure consistency with best practices

We further recommend that NSS fund and assign technical consultations for member schools. This could be in the form of a help desk or on-site visits.

Finally, we recommend that the NSS explore insurance coverage for member schools as a potential program benefit.

**No. 8: Specific Pilot Program on Threat Assessments and Mental Health.**

As part of its comprehensive security plan, each school should develop a threat assessment team, which will work in coordination with mental health professionals. The purpose is to create a positive school environment that encourages sharing information on early warning signs and reducing incidences of bullying or other anti-social behavior. The team should coordinate with any current crisis response protocols, and should be responsible for assessing the emotional climate of the school by reviewing all relevant policies, rules and regulations that affect the educational environment. The *Best Practices Guidelines*, Appendix A (pp. 15-22), contains additional information on the duties of the threat assessment team.

The team will be responsible for evaluating all threats, including the surrounding circumstances, and conducting an investigation to determine whether the threat is serious. After all appropriate assessments have been made, the team should create a written safety plan by integrating all relevant findings, and should determine whether to refer the student to a school psychologist for a mental health assessment and, if necessary, to the school resource officer for a law-enforcement investigation.

Appendix A details how the teams should conduct their assessments, which individuals should be included on the team and other relevant information.

Accordingly, it is recommended that the NSS initiate a partnership with other interested national partners to develop and fund three pilot projects in order to establish best practices and a model for school threat assessment, prevention and mental health support.

In developing these pilot projects, reference should be made to the College and University Behavioral Intervention Team (CUBIT),<sup>62</sup> which is a model developed by the National Center for Higher Education Risk Management in response to the surge of school violence and shootings in 2007, and to the National Behavioral Intervention Team Association (NaBITA). The NRA should also look at the *Virginia Model for Student Threat Assessment*, which was drafted based on the findings of a series of field tests on threat assessment guidelines. An active program that should be considered is the Safe and Respectful School Program of the Threat Assessment Group (TAG), which has been available as a resource since 2011 in the state of Tennessee.

---

<sup>62</sup> Brett A. Sokolow & Stephanie F. Hughes, *Risk Mitigation Through the NCHERM Behavioral Intervention and Threat Assessment Model 1*, NATIONAL CENTER FOR HIGHER EDUCATION RISK MANAGEMENT, available at: <http://ncherp.org/pdfs/2008-whitepaper.pdf>. This model was developed in direct response to the Virginia Governor's Report of the Virginia Tech Review Panel and other national panel and review recommendations. The CUBIT is unique in that it includes a formalized protocol of engagement techniques and strategies, a clear process for threat collection and assessment, and a procedure for communication. In addition, it was specifically designed to integrate with all other campus risk management practices.

## CONCLUSION

The work of the National School Shield has only just begun. The NSS Task Force has done its work by providing best practices in school security, new tools for security assessments, recommendations for funding and a private sector program model. It is our hope that the NRA looks favorably on these recommendations, commits its enormous political will and energy behind this effort, and devotes sufficient resources to properly fund the program, pilots and continued support for school safety.

## ACKNOWLEDGEMENT

I would like to acknowledge the extraordinary expertise of Command Consulting Group, Phoenix RBT Solutions, and Tom DiNanno, who have been integral to the production of this report. Thank you to France Bognon for her research assistance. Finally, I would like to reinforce my appreciation of the NRA for the complete independence and total latitude we were given in developing this report.

HB 1310  
1-27-17  
#6



*Great Public Schools*

*Great Public Service*

**Testimony before the House ENR Committee  
HB 1310  
January 26, 2017**

Good Morning, Chairman Porter and members of the Committee. For the record, my name is Nick Archuleta and I am the president of North Dakota United.

On behalf of our 11,500 members, I rise today in opposition to HB 1310. North Dakota United shares Rep. Kiefert's desire to keep our kids as safe from harm as possible. However, our members are adamant in their opposition to allowing guns in schools; except those under the control of well-trained School Resource Officers (SROs). In a poll conducted by DFM Research in August of 2015, our members supported their school district's use of School Resource Officers 51 percent to 41 percent, with the rest undecided. Our members opposed having teachers or other school employees with guns, 72 percent to 21 percent, with the remainder undecided.

The citizens of North Dakota are by and large in agreement with their community's teachers. In that same poll, North Dakotans were asked their views of guns in school. By a margin of 56 percent to 36 percent with 8 percent undecided, North Dakotans supported armed School Resource Officers in schools. On the matter of having other school employees armed in schools, 62 percent opposed the idea, 31 percent supported it and 7 percent were undecided.

At ND United, we understand that this legislation is permissive in that it does not require that school districts hire someone to carry a loaded weapon in their schools. We oppose HB 1310 because we believe that local school districts already have and will continue to have the ability to contract with local law enforcement agencies to provide professional law enforcement personnel to serve as SROs in their schools, an idea supported by our members and the public.

Frankly, there are other avenues to increase school safety missing from this bill that may actually have a greater impact than armed school employees. Perhaps our state should consider providing:

1. School Safety Improvement Grants to remodel and reconfigure schools to make them physically safer places;
2. School Safety Improvement grants to fund highly trained school resource officers in the schools that request them;
3. Funding and a commitment to hire more school counselors and social workers who are trained to recognize the signs of distress that those inclined to violence may exhibit.
4. Funding and a commitment to make substantial and necessary investments in mental health services.

Mr. Chairman, these four common sense proposals will go a long way to mitigate the chances of a catastrophic event in our schools. We all want to keep our kids safe. But simply arming an individual and putting them in a school is a simplistic, unproven and potentially dangerous plan to do so.

For this reason, Mr. Chairman and members of the Committee, I urge you to return a DO NOT PASS recommendation on HB 1310.

Friday, January 27, 2017

HB 1310  
1-27-17  
#7

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE  
HB 1310

CHAIRMAN PORTER AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We respectfully **oppose 44 words of HB 1310** because of their effect on the state's open meeting laws.

In most North Dakota communities its school district is the highest profile public entity in the area. Over the years practically everyone in a community has some contact with the schools in his or her area. In other words, it's a big deal!!

There are more than 400 some school districts in the state. Naturally, people are interested in what happens involving these districts, especially because in most districts they are the highest funded – and highest spending – public entity. Yet, this bill allows all of these districts to keep more information from their constituents, from the people that pay the bills, by holding hundreds of closed meetings.

We respect Rep. Kiefert's intentions in this bill. They are honorable to the extreme. However, the bill creates closed meetings that are not necessary. And, remember, every closed meeting of a public entity results in more information about that entity being kept secret from its owners – the citizen bill payers.

We believe a school district's patrons want to know if its school – their school - allows its employees to carry weapons. This will, in most instances, provide a degree of feeling of public safety.

What is important is the decision to allow weapons in the school. What is not important is the specifics of how this is carried out. This should be left to the discretion of the school superintendent or principal, just as other major school decisions. For example, a school board may decide to hire an athletic director, or a football coach. It is left to the superintendent or principal to decide the specific duties of these individuals. The school board doesn't decide if the new coach supervises lunch room, or drives the bus on game day trips.

So, in this case, the school board should just decide the weapons issues. The specifics should be left to the school professionals. There is no reason a school board needs to designate who will carry these weapons – or where they will be located.

Please delete the sentence "Consideration of approval for an individual to carry a firearm concealed under this section must be conducted in executive session of the school board and any record or information considered or discussed at the executive session must be treated as a confidential record." starting on page 2, line 8.

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

HB 1310  
1-27-17  
#8

**House Bill No. 1310**

**Testimony in Opposition**

**North Dakota Council of Educational Leaders**

Good Morning Chairman Porter and members of the House Energy and Natural Resources Committee. For the record my name is Russ Ziegler, the assistant director at the North Dakota Council of Educational Leaders. The North Dakota Council of Educational Leaders is the umbrella organization in the state of North Dakota that represents school district superintendents, principals, activities directors, business managers, technology leaders, and other educational leaders across the state. Thank you for the opportunity to testify in opposition to House Bill 1310.

During this hearing, you will hear more specific testimony about teachers and administrators not liking the idea of school staff to be armed in school. You will also hear about parents not wanting school staff to be armed in school. Now I would like to talk about something that I haven't heard brought up before with this discussion. I would like to present you with a scenario keeping in mind that most school shooters are minors and students of the school:

You are the social studies teacher in a small rural high school. There are 150 students in your school in grades 7 – 12. The fourth period tardy bell just rang and you are starting your instruction. The students and you hear what seemed to be gun shots coming from another area of the school. You are the teacher that applied for and received the authority to carry a concealed weapon in school for the school's protection. You have gone through all of the mandated training and testing. You walk down the hall and take a left, going towards the screaming. Take a right and in the cafeteria, you see Johnny standing there holding a pistol, and he has a rifle slung over his shoulder. You had Johnny in junior History just 10 minutes earlier. You know Johnny's parents and you even know his grandparents. Johnny had an older brother that graduated last year, and a little sister in the 6<sup>th</sup> grade. He is a good kid but just didn't fit in with the others. No matter what Johnny has tried to do, participate in sports, music, etc... he just didn't fit in and was the butt of numerous jokes. Then you notice Sally and Sam lying on the floor in pools of blood, and then the other students in the cafeteria, white with fear staring at Johnny. (This all happens in under a minute) What do you do?

Before my life as an educator I was in the military, the United States Marine Corps. If there are any veterans present, thank you for your service! Has there been a discussion of the psychological effects on someone who has to shoot another person? I know this discussion is happening (not enough) in the military, but has this discussion been discussed for this bill? In the military you go through intense training in self-defense and the use of weapons. You are also trained to take someone's life. However, that life is always someone you don't know. That is the understanding when you join, teachers however did not go into the profession thinking they might have to take a life, let alone a life of one of their students. Now, back to the scenario.

What was your decision? Shoot Johnny? That is the reason you were trained and the reason your school board choose to have a teacher in the school with a concealed weapon. You were chosen to be that individual and you must fulfill that duty! You draw your weapon and shoot hitting Johnny and killing him instantly. Now what? How do you feel? How are you going to face Johnny's family again? What about your psychological effects of taking a life, let alone a life of an individual you know? Andrew Pomerantz, the Chief of mental health services for the VA in Vermont stated: "you take somebody off the street who spent their whole life learning not to kill other people, not to harm other people and put them in a situation where it's his job to kill somebody else. I've not ever met a person who killed others who was not affected by that." He stated that when talking about solders coming home after wars. The military does a great job of dehumanizing the enemy to make it possible for people to kill. In a school, you personally know the "enemy" you know their family, their background. Lt. Colonel David Grossman, U.S. Army Retired talked about what happens to people when they are faced with a difficult decision and you must kill. Lt. Colonel Grossman states: "At the moment when you want to fire, the forebrain is shut down, the midbrain takes over, and you slam head-on into a resistance to killing your own



kind. The only way to overcome that resistance is through operate conditioning, to make killing a condition reflex.” The military does that, that is exactly what they must do. However how much training would a teacher need, in order to do that? Another outcome would be you shoot and accidentally kill a different student. Your bullet goes past Johnny and strikes Billy. Studies have shown that the average “hit” rates during gunfights was just 18%. When the suspects did not return fire, the hit rate rises to 30%. These are the hit rates from trained individuals who know that killing someone is a possibility in their occupation. What will be psychological effects? It is really easy to say, “I could do that, I could take someone’s life” but if you were never put in the situation how do you really know? Which leads me to the second choice.

You choose not to shoot or your body chooses not to shoot for you. Now Johnny, could shoot more students, teachers, even you. You are standing there and you couldn’t do anything, you froze. What will your mental state be afterwards? What do you say to the parents of the kids you couldn’t save? How long would a person be haunted with this outcome? Again, teachers and administrators do not go into the profession with these thoughts on their mind. I also believe there is a third situation that might happen. That is what if you are the one chosen to protect the school and you are out the day a shooting happens? You were the only one authorized to carry a weapon and you weren’t there. Those kids died because you were not there to protect them. How would an individual deal with that psychological trauma? Another question that came to me while I was researching this is that the authorized teacher had to leave their class alone during this traumatic experience. What if there were two shooters and you left your class in one direction and the other shooter came and attacked your class?

Please do not equate my statements to mean that I am against protecting our kids. I do know that there are a lot of “what if” comments to my testimony. However, I also believe that

this bill is the result of “what if” situations. As a teacher and administrator, the highest priority on my mind was student safety. That is the same with the North Dakota Council of Education Leaders. We know the dangers and we want to do everything that we can to protect our kids, and I say OUR kids literally. We just feel that it should not be a school staff member. We are not opposed to have licensed, professional law enforcement officers in schools! They are the ones with the training, expertise, and also know how to defuse a volatile situation. You may ask, what is the solution? Well, in a perfect world, we would want to identify these kids before they do anything. That is why we firmly believe in working hand in hand with professionals in the mental health field. The mental health issue is bigger than schools, it is a school, community, county, state and national issue. All entities need to start communicating and working together to help these individuals. To identify the people that need help, be able to get them the help they need, and support them through their therapy and after. Because of this testimony and the testimony of others in opposition we respectfully request a do not pass on HB 1310.

HB 1310  
1-27-17  
#9

January 27, 2017

Chairman Porter and members of the committee, for the record my name is Josh Johnson and I am the superintendent of schools in Valley City, North Dakota.

I'm testifying before you this morning in opposition to House Bill 1310 which would allow individuals to carry a concealed firearm on school property. I would like to begin by stating that I respect and appreciate the efforts by our legislators to provide safe schools for our students and teachers in North Dakota. I don't believe that you would find an educator in North Dakota that would disagree with these efforts. The safety of our schools has historically been the foundation of great schools in North Dakota.

This bill, however, is not what is best for our students, teachers, and schools in North Dakota. We simply cannot allow individuals that have not received Law Enforcement Training to be walking around our hallways with a loaded weapon trying to protect our schools. Today, our Law Enforcers across the country are repeatedly scrutinized for their use of force to uphold the law, now consider an educator, with 40 hours of training, trying to make a split-second decision to ensure the safety of the school. What happens if they accidentally shoot the wrong person? What happens if they shoot the right person?

Recently, I posed this question to an experienced teacher and his willingness to be the designated individual to carry a concealed weapon on our school grounds. The teacher, with backgrounds in hunting, concealed carry permits, and firearm instruction, is quoted as saying, "Under no circumstance would I be willing to be the designated carrier of a firearm in a school, I went into education to teach students and believe no training less than that of a Law Enforcer would be adequate to make the decision to shoot someone. This would be a life changing event that I do not want to make." This quote coming from an educator in rural ND (school less than 500 students) with extensive experience with firearms.

Other concerns I have with placing a Firearm in the hands of an "Under Trained" educator include: concerns from our students, parents, and community with Firearms in our schools and being handled by under trained educators; school boards and administrators debating who should and who should not be designated to carry a concealed weapon; monitoring of individuals with firearm as it relates to mental health, stress, or other issues; local control placing undue pressure on school boards and administrators to designate individuals to carry a Firearm; teachers focusing on Firearm more than teaching students; responsibility for securing the possession of Firearm.

Members of the committee, I think we would all agree that school safety must be a top priority for the state of North Dakota. Therefore, I would ask that you think about your own children or grandchildren; and whether you would want them to be in a classroom with an "Under-Trained" teacher carrying a loaded weapon. I believe there are alternative ways to ensure the safety of our schools and would gladly offer my suggestions to any of you. Please consider a DO NOT pass for House Bill 1310. Thank You!

Joshua Johnson  
Superintendent  
Valley City Public Schools

HB 1310  
1-27-17  
#10

Chairman Porter, members of the Energy and Natural Resources Committee:

My name is Dan Donlin, Chief of Police for the Bismarck Police Department. I'm a member of the ND Chiefs Association and a member of the Governor's Commission on Alternatives to Incarceration. I have 29 years of Law Enforcement (LE) experience with 15 years of experience on the SWAT Team. I was formerly a Certified Firearms Instructor and a Use of Force/Defensive Tactics Instructor.

My testimony is on behalf of myself and the Bismarck Police Department. The issue of guns in schools is primarily an issue between the schools, their staff and the parents of the children they are responsible for, so I will leave the overall issue of the bill up to them.

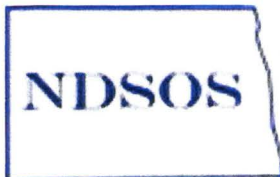
My testimony is in opposition to HB 1310 as written, specifically, for the potential LE training component...

- We already do what is covered on Pg. 1, Line 13-15
  - We conduct active shooter drills, lockdown drills and many other safety educational courses with staff members for "school emergencies to provide a coordinated response to building lockdown and active killer events." Keep in mind, this bill does not state the carrier must be an employee; it could be a staff member, but the bill does not say it is restricted to such.
- Regarding the rest of the language through line 24...If the presumption here is that law enforcement will provide this training, then I believe...
  - Liability is an issue – LE is not, should not and most likely will not be "training" civilians on
    - when they can use force and/or deadly force and on the use and proficiency of firearms; No more than active military should provide firearms training for civilian populations
  - Private Security Companies and/or Individuals
    - Exist to teach the general public about legal use of deadly force
    - Certified Firearms Instructors teach and qualify people for conceal carry licenses, firearms familiarization and legal use of firearm in defense of oneself or another person
    - The Gov't should not be in competition with private business
  - Just some considerations to think of regarding the reality of the magnitude of responsibility this bill places on the individual schools' decision before them if this passes and they choose to arm people in their school:
    - Police officers move very tactically toward gunfire, with bullet proof vests. Even with a vest that is a very daunting responsibility, because any law

enforcement officer knows, the vest does not always save you. Will the gun carrier have a vest?

- Whether the designated armed individual chooses to do the same, that is move towards the gunfire, is up to each individual; but, if a school has authorized a staff member, let's say a teacher, to carry, is there an added responsibility for that staff member to now "respond" to this emergency situation; potentially leaving their students alone in a locked classroom, unprotected? Or, do they stay in their classroom to protect their students, yet they are the only one with a firearm? Are they allowed to evacuate with their class because it is safe to do so, and not the only defensive firearm is leaving the building? What about when the carrier is running towards the gunfire...and they come across their own son or daughter who've been shot? What if they arrive at the location of the gunfire and discover the shooter is the son of a good friend, or a co-worker's son, or even worse...their own son?
  - I have a multitude of examples of highly trained police officers shooting, missing their target and striking innocent third parties, or even misidentifying an aggressor and shooting an innocent person. According to a 2008 RAND Corporation study evaluating the New York Police Department's firearm training, between 1998 and 2006, the average hit rate during gunfights was just 18%. Even when suspects did not return fire, police officers hit their targets only 30% of the time.
  - These are policy and training issues, but I've only scratched the surface of the issues a school needs to be concerned about if they choose to arm someone.
- I understand the very difficult predicament of all schools and communities, especially the very rural schools and communities. If smaller community agencies/sheriff's departments are comfortable with this training responsibility, that's up to each individual agency;
  - But, anyone I've talked with realize the Government cannot train civilians on the use of deadly force and firearms proficiency in order to act on their own behalf; it sets an agency up with too much liability risk. The law enforcement agency has no discipline or review authority over the carrier if they do something unacceptable with the firearm. Lastly, it's not a very good situation for a LE agency to train civilians on use of deadly force and then they are the ones coming in to now investigate a shooting against the same person they trained.

Thank you and I'll try and answer questions if you have them.



# North Dakota Small Organized Schools

HB 1310  
1-27-17  
# 11

Mr. ElRoy Burkle  
Executive Director  
1419 9<sup>th</sup> Ave NE  
Jamestown, 58401  
[elroy.burkle@k12.nd.us](mailto:elroy.burkle@k12.nd.us)  
701-230-1973

Mr. Larry Zavada  
President  
401 3<sup>rd</sup> Ave SW  
Wolford, ND 58385  
[larry.zavada@k12.nd.us](mailto:larry.zavada@k12.nd.us)  
701-583-2387

Mrs. Janet Brown  
Business Manager  
925 Riverview Drive  
Valley City, ND 58072  
[janet.brown@k12.nd.us](mailto:janet.brown@k12.nd.us)  
701-845-2910

January 20, 2017,

Dear North Dakota House Energy and Natural Resources Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of the North Dakota Small Organized Schools (NDSOS), representing 141 North Dakota Public School Districts. We realize there are strong opinions for and against concealed weapons in North Dakota schools at both the Capitol and local communities. NDSOS goes on record on opposing HB 1310 – Possession of concealed weapon – First Armed Responder in schools.

The NDSOS Board, with membership consisting of some small remotely located school districts, was surveyed to determine our position on HB 1310. All respondents indicated a clear 'do not support'. In my conversation with one board member, Mr. Frank Schill, Edmore Public School Superintendent, however, some discussion points were discussed that suggested that this issue may be better served by an interim committee.

The interim committee could research the following topic areas:

1. Determine if a local school policy must be in place specific to First Responders' responsibilities, or a conceal weapons policy in general addressing holstering the weapon, for example. 62.1-04-01 indicates that there is no requirement for invisibility, merely it would be ordinarily discernible. Additionally, the law indicates a weapon is considered concealed if it is not secured, and is worn under clothing or carried in a bundle that is held by the individual. Again, the need for a local policy that clearly addresses how the weapon is to be concealed and if holstering the weapon is required.
2. Determine how to access input from community, staff and students as to this issue. Should this be reviewed annually at the annual school board meeting? Should the approved First Responder list be reviewed and approved annually? Should this go to a vote of the people in similar manner as schools are required to do with publishing meeting minutes? Transparency is important with this issue due to the sensitivity on both sides of the debate.
3. Legal research specific to responsibilities of the local school board, insurance risks, and possible risks associated with this decision. How is this to be handled at an executive session? Phone interview? Actual on-site interview (caution)? What is the application process and what questions can be legally asked?

---

#### Board of Directors

**Region 1**  
Mr. Tim Holte, Supt. Stanley  
Ms. Leslie Bieber, Alexander

**Region 2**  
Mr. Larry Zavada, Supt. Wolford  
Mr. Steven Heim, Anamoose & Drake

**Region 3**  
Mr. Frank Schill, Supt. Edmore  
Mr. Dean Ralston, Supt. Drayton

**Region 4**  
Mr. John Pretzer, Supt. Scranton  
Mr. Jim Gross, Supt. Selfridge

**Region 5**  
Mrs. Lori Carlson, Bd. Member Barnes Co. North  
Mr. Brandt Dick, Supt. Underwood

**Region 6**  
Mr. Mitch Carlson, Supt. LaMoure  
Mr. Tom Retting, Supt. Enderlin

**The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.**


4. If a concealed weapon permit is pulled, how will be the school district be notified? HB 1310 indicates the local law enforcement officers would be notified if approved by the school board. Are they informed when a permit is pulled? Again, the need for a clear and seamless communication.

Currently, schools have the option of hiring a Police Officer or Resource Officers with local dollars. First Responders in schools would provide for an additional option for schools to consider. HB 1310 provides a good basis for additional research by an interim committee as there are still some big-picture issues/questions that need to be addressed.

Thank you for your time and if there are no questions, I request permission to allow Mr. Frank Schill, Superintendent Edmore Public School to present his testimony.

Thank you.

Respectfully,



Mr. ElRoy Burkle, Executive Director  
North Dakota Small Organized Schools (NDSOS)  
1419 9<sup>th</sup> Ave NE  
Jamestown, ND  
701-230-1973  
[elroy.burkle@k12.nd.us](mailto:elroy.burkle@k12.nd.us) or [eburklendsos@yahoo](mailto:eburklendsos@yahoo)

HB 1310  
1-27-17  
#12

Testimony

House Bill 1310

Possession of concealed weapon – First armed responder in schools.

By Frank Schill

Superintendent of Edmore Public School

Chairman Porter and Members of the North Dakota House Energy and Natural Resources Committee:

My name is Frank Schill, Superintendent of Edmore Public School and a board member of the North Dakota Small Organized Schools (NDSOS). I am here to testify against HB 1310 which would allow an individual with a concealed weapons permit to carry a concealed firearm on school property.

Although I am opposed to HB1310 I believe discussion needs to occur relating to providing defense in a K12 school environment, especially in rural communities.

As the superintendent of Edmore Public School, the nearest law enforcement personnel are at least 30 minutes away from our school. Statistics relating to the duration of school shooting incidents reveal that if a shooting occurred at Edmore public school, the damage would be done long before law enforcement would arrive on the scene to offer any assistance.

I believe that school personnel need the option of defense in their school but I believe training and procedures for a person carrying a concealed weapon in a school needs to be specific to the school environment. I believe specific training for personnel should be discussed in more detail among school personnel and law enforcement agencies.

As a superintendent of Edmore Public School and board member of the North Dakota Small Organized Schools, I would be willing to serve on a committee to further process this issue.

In closing, I urge you to give a “Do Not Pass” recommendation regarding HB1310.

Thank you for the opportunity to submit this testimony. If I can respond to any questions, I would be most happy to do so.

Sincerely,

Frank Schill  
Superintendent, Edmore Public School  
[Francis.schill@k12.nd.us](mailto:Francis.schill@k12.nd.us)  
701-520-9674



HB1310  
1-27-17  
#13

**TESTIMONY OF MICHAEL J. GEIERMANN**  
**IN OPPOSITION TO HB 1310**

Good morning Chairman, Porter and members of Energy and Natural Resources Committee. My name is Michael J. Geiermann. I serve as general legal counsel for North Dakota United and have had the privilege of representing teachers in the State of North Dakota since 1987. I appear before you today in opposition to House Bill 1310. Beyond representing teachers and public employees, I also have represented individual members of the North Dakota Fraternal Order of Police who have been involved in officer involved shootings. Since 2001, I have represented and advised approximately 30 officers who have been involved in officer involved shootings in North Dakota. Based upon my experience, there is nothing in the life of a law enforcement officer which is more stressful, traumatic and life-changing than being involved in an incident which requires them to discharge their weapon at another human being. This Bill puts an ill-equipped, ill-trained novice in the same situation as a highly trained, highly competent, highly experienced law enforcement officer. This Bill does not reduce the risk of the occurrence of school shooters for children, teachers and school district employees. Rather, it increases it.

Everyone is in favor of protecting school children and teachers from the school shooting tragedies that have taken place throughout the country. This Bill does not accomplish that purpose.

In my opinion, the Bill is flawed in the following ways:

1. This Bill provides requirements for initial training and annual recertification of training to carry a concealed firearm on school property. 40 hours of initial training and 10 hours of yearly training is wholly inadequate. This Bill places the responder in the most dangerous, most high-stress situation faced by any law enforcement officer. It is foolishness to believe

that with 40 hours of training, this individual will be able to properly perform and protect students and teachers from an active shooter. Most police departments conduct multiple weeks of training followed by multiple weeks of Field Training Officer ("FTO") training under the supervision of an FTO officer before allowing the officer to go out on the street alone.

2. The approval of an individual to carry a firearm on school premises is conducted in executive session and the records are kept either confidential or exempt. This means that staff members and teachers will not know who the responder is if an active shooter lock-down situation occurs. Because teachers and staff do not know who the active shooter or responder are, they may be placing themselves in a situation where they either confront or contact an individual carrying a firearm, believing them to be the armed responder. This obviously could lead to disastrous consequences. At a minimum, the staff and teachers need to know the identity of the armed responder authorized to carry firearms in the school to protect teachers and their students.
3. In reviewing the grants of immunity, the question that needs to be asked is: If the armed responder discharges his weapon, either accidentally or intentionally, and the bullet wounds or kills a student, teacher, administrator or some other individual, is the grant of immunity found in the Bill enforceable? The Bill grants immunity to school districts and to the trainers who provide the training to the armed responder. Implied in this grant of immunity is the fact that the drafters of the legislation recognize the incredible risk that will be taken by school districts in authorizing the carrying and using of a weapon, in addition to the inadequate training of these individuals. Is the grant of immunity for school districts and trainers based on the fact that neither one of these entities can obtain insurance to cover any potential state or federal lawsuits which may be brought against them for their negligence or gross negligence in wounding or killing children, teachers or staff?
4. Prior to passing this Bill, the Legislature needs to assure itself that this grant of immunity will be enforceable in lawsuits brought against school districts, trainers and armed responders in both state or federal court. There are hundreds of cases brought against law enforcement officers who are sued for officer involved shootings. The claims brought against officers and their departments include state claims, but also include federal and state constitutional claims and federal civil rights violations under 42 U.S.C. 1983. While the armed responder is not an "employee" of the school district, he is authorized to carry a weapon and discharge that weapon against an active shooter based upon a grant of authority from the Legislature and the school district. The armed responder will be performing a governmental function under these circumstances and will get sued. Of course, the armed responder needs to be fully informed that he can be sued by the families of dead or wounded students or teachers if he discharges his weapon and misses their intended target. The armed

responder should also be informed there are potential criminal charges that could be brought against him for discharging his weapon.

5. In contrast, a police officer, deputy sheriff or highway patrol officer who discharges their weapon in an officer involved shooting have insurance coverage and the protection of their employer in any subsequent lawsuits either under state law or federal law. The armed responder has none of those protections.
6. In representing officers who have been involved in stopping an active shooter, those officers use specific tactics to find and confront the active shooter. I have discussed with them in detail the amount and quality of information they receive about the active shooter and the situation that has developed. Officers communicate with each other and through dispatch to gather as much information as they possibly can in regard to the active shooter. The armed responder in this Bill will have none of that information. They will not be able to communicate or coordinate with law enforcement who arrive on the scene simply because they do not have the technology available to them for that communication. In addition, law enforcement may not have an accurate description of the armed responder upon arriving at the scene. Law enforcement will assume that anyone at the scene who is armed is the active shooter, and not the armed responder. This places law enforcement in jeopardy as well. Law enforcement will be faced with a situation where there may be multiple people with guns, a lack of accurate information, and a lack of proper identification as to the active shooter. These situations can become very confusing and dangerous for students, teachers, school district employees and law enforcement.

As you have heard today, there are much more efficient ways of dealing with this issue than placing armed, ill-trained, and wholly inexperienced individuals in a situation which is the most stressful and traumatic to highly trained and experienced law enforcement officers. I would ask this committee give a Do Not Pass recommendation to House Bill 1310.

*From Tom Keck  
Everytown for Gun Safety*

HB 1310  
1-27-17  
#14

Thank you so much for hearing my testimony today. My name is Erica Lafferty. On December 14, 2012, my mother, Dawn Lafferty Hochsprung, was the Principal at Sandy Hook School. She was killed as she ran toward a shooter, trying to protect her students. 20 precious little first graders and five educators were also killed that day.

This was a tragic day not only for my family and the families of other victims, but for the nation. Once again, multiple young and innocent lives were lost in a crime that could have been prevented. As a survivor, it's important for me to share my story. I do this because I want to see fewer school shootings. I want fewer families to live with the enormous pain my family carries each day.

When I learned that my mother was killed while running toward the gunman, I wasn't surprised because that's who my mother was - selfless and fearless; a protector and a nurturer. She became an educator to impact the lives of children, not to carry a gun. If my mother had wanted to be a sharpshooter, she would have joined the military.

Guns don't belong in the places where our children play and learn—especially at K-12 schools. I urge the House Energy and Natural Resources Committee to strengthen laws to keep guns out of the hands of dangerous people—and make schools more secure by not passing HB1310.

Opening up schools to hidden, loaded handguns isn't the right solution. Many school shootings involve guns that were stored carelessly at home, allowing easy access by a child. Of the K-12 school shootings tracked by Everytown for Gun Safety in which the source of the gun could be identified, more than half of children bringing a gun to school obtained the gun from home. The way to prevent school shootings is through education, awareness and sound laws that keep guns out of the hands of dangerous people - not by arming educators and others.

My mother spent years obtaining degrees, teaching special education and eventually became principal of Sandy Hook School. She knew exactly what school should be—a safe and happy place for children to learn and grow. I ask that as you consider this bill, you think about my mother and countless other educators and children who have been killed in school shootings. Think about your own kids and decide if guns in schools is really the kind of environment we want to create for future generations of children in North Dakota. This is not the America we have to live in. Children and teachers should all be able to go to school and feel safe.

HB 1310  
1-27-17  
#15

## HB 1310 - Testimony

Jon Martinson, Executive Director  
North Dakota School Boards Association  
January 27, 2017

Our association stands with the ND Council of Educational Leaders (administrators) and North Dakota United (teachers) in opposing this bill.

Everyone wants safe schools, but we are opposed to authorizing concealed weapons on school property by school district employees and we fail to understand how more guns in schools is helpful unless they are in the hands of trained law enforcement personnel like School Resource Officers.

Supporters of this bill have an idealistic version of its effectiveness--that a good guy with a gun shoots a bad guy with a gun and no one else gets hurt. Law enforcement officers testified last session that this outcome is a fantasy.

This bill requires more training than the bill introduced during the 2015 Session and will therefore increase operational costs for school districts but it won't reduce the likelihood of violence. Supporters of the bill believe knowledge that school employees have guns will be a deterrent. No it won't. School shooters are suicidal. Therefore, the threat of death as punishment does not stop people from murdering others.

A psychologist practicing in Bismarck who has spent years working with children, some of whom are highly prone to violence, told me that he has not met the angry and depressed teenager who will rationally consider the likelihood of getting shot by a school staff person to be a sufficient deterrent. To make such a bad and violent decision requires that they, at least for a time, don't care.

Law enforcement testified last session that in a school shooter incident, when they enter a school and see someone with a gun, they know who the bad guy is. If teachers are equipped with gun, now the situation just got more complicated. Who's the bad guy?

I can buy the argument that quickly putting down the shooter may save lives. However, if schools are going to spend money on training staff to minimize the number of people killed, how about instead we train school personnel in the recognition and intervention of children with risk factors associated with the likelihood of violence.

This bill is an oversimplified attempt to find a solution to a societal problem with the potential to make things worse, not better. If you are digging a hole that is in the wrong place, digging it deeper isn't going to help.

This bill advocates that we "shoot the shooter" with a louder voice than we advocate to save the shooter before he shoots. Where are those bills?

HB1310  
1-27-17  
#16

**TESTIMONY ON HB #1310**  
**HOUSE ENERGY and NATRUAL RESOURCES COMMITTEE**

**January 26, 2017**

**By: Stanley Schauer, Assistant Director-Adult Education**

**701-328-2271**

**Department of Public Instruction**

---

---

Chairman Porter and Members of the Committee:

My name is Stan Schauer and I am an assistant director with the Department of Public Instruction. I am simply here to provide information on HB 1310 in regards to what we are currently doing in school districts with school safety and also to follow up on a question bestowed upon us that derived directly from HB 1310. I come before you as a replacement testifier. I am speaking in place of Valerie Fischer - Director of Safe and Healthy Schools/Adult Education as she is ill and could not attend.

One of the best ways to deal with a school crisis or emergency is to have a practical and practiced plan in place. North Dakota Department of Public Instruction was given a federal grant (US Dept. of Ed.) for Emergency Operations Planning (EOP). The focus was on schools in a more rural area. During the grant timeline, 32 school districts and 72 buildings were provided an onsite assessment and report on a variety of events that would/could be declared an emergency or crisis. Out of these reports and findings came professional development, a feeling of readiness, and most ultimately-safer schools. The grant also allowed us to assess community threats and

assets, provide reasonable and cost-friendly recommendations, and provide training to all staff for a crisis response. There is sustainment to this grant that can allow us to continue training in prevention and mitigation. DPI partnered with the North Dakota Safety Council and also federal/state Departments of Homeland Security in developing these assessments and plans.

School resource officers or SRO's are also a valuable resource for school safety. In 2015 there were 19 SRO's and now there are 44 active duty (not including SRO supervisors). There is also the North Dakota Association of School Resource Officers-which looks forward to growing the SRO program. Most SRO's have 2 years of street patrol experience before being placed in that position and several have more than a decade of experience in a wide range of law enforcement positions. On top of the training to become a law enforcement official and the field experience, they also attend SRO Basic training within a year of their assignment and continue on with advancement classes and courses.

The Department of Public Instruction was asked to try to come up with a report dealing with distances between schools and law enforcement and first responders. After many discussions with emergency managers, local law enforcement, and federal/state Homeland Security partners it was determined that this is almost impossible to project as there are too many factors and moving parts. Also, there are multiple definitions of "rural", different departments or entities define

rural areas differently. We learned each county has a sheriff and between 1 and 10 deputies. Placement and movement of locations would vary by populations, tax base, budgets, situations calling for more law enforcement attention, and many other scenarios. There are also city police departments and volunteer EMS services in some of our smaller communities.

The Department of Public Instruction is committed to seeking out research and best practice to keep schools safe.

Chairman Porter and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have. Thank you for your time.



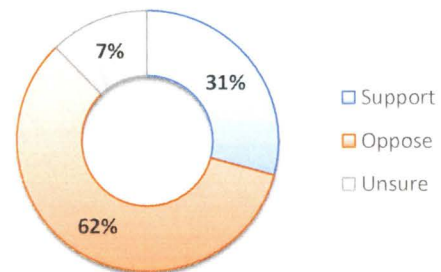
To: Interested Parties  
 From: DFM Research  
 Date: January 30, 2017  
 RE: Guns in Schools

By a two-to-one margin (31-62 percent) the North Dakota public opposes the idea of armed teachers or professional staff in schools. And North Dakota United (NDU) members are in stronger opposition to this idea; just one-in-five (21 percent) NDU members support armed colleagues in school, while nearly three-in-four (72 percent) are in opposition. The data for both surveys was collected between August 8-26, 2015, and consists of 400 North Dakotans and 400 NDU members contacted by either cell phone or landline. The final results for the public data is weighted by age, gender, education level and region to conform to the latest census data and NDU data was weighted by membership type. The margin of error for both surveys is  $\pm 4.9$  percentage points.

Crosstab data shows that no matter ones age, gender, education level or where you live, opposition for armed teachers/staff does not fall below the 50 percent mark.

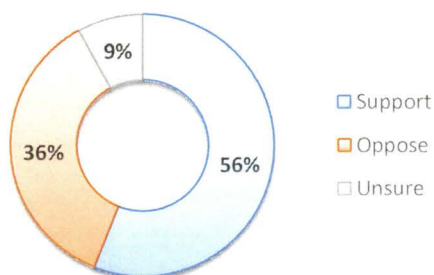
- Women are more likely to oppose armed teachers than men; 57 percent of men oppose compared to 67 percent of women.
- Residents of the four main cities are more likely to oppose, with 69 percent in opposition. Rural communities oppose at 56 percent.
- Older North Dakotans oppose (67 percent) armed teachers more than young residents; 57 percent of those under age 45 oppose.

Q14: Should Teachers/Staff Be Armed in School?



In contrast to armed teachers and professional staff, North Dakotans tend to support the idea of armed security in North Dakota schools with a clear majority (56 percent) in support compared to 36 percent who oppose. NDU members are mixed, with a slim majority in favor of armed security (51 percent support to 41 percent opposed).

Q13: Armed Security in Schools / General Public



In conclusion, based on the 2015 summer survey of attitudes regarding guns in schools, both the North Dakota public and NDU members in the classrooms strongly oppose armed teachers and staff in schools, while at the same time generally supportive of armed (and presumably well-trained) security.

Survey Questions in August, 2015 Statewide/Member Survey

**Q13:** As you probably know, a lot has been said about school security. Generally speaking, do you support or oppose the idea of having armed security in schools?

**Q14:** And some have suggested that teachers and staff could be armed in school. Do you support or oppose this idea?

①  
2-2-17  
Subcommittee  
Bosch

Introduced by

1  
2 Representatives Kiefert, Johnston, Karls, D. Ruby, Streyle, Trottier Senators  
3 Campbell, O. Larsen, D. Larson, Luick  
4  
5

6 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota  
7 Century Code, relating to carrying a concealed firearm in a school; and to amend and reenact  
8 subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception  
9 to the prohibition against possessing a firearm at a public gathering.

10 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

11  
12 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created  
13 and enacted as follows:

14 **Possession of a concealed weapon - First armed responder in schools.**

15 An individual possessing a valid class 1 concealed weapons license from this state may  
16 carry a firearm concealed on school property, if the individual is on private school property and  
17 has the approval of the governing body of the private school to carry a firearm concealed or if  
18 the individual is on public school property and has the approval of the board of the school  
19 district to carry a firearm concealed. Any school board may create, establish, and supervise the arming of  
20 school employees, hired security personnel, or school resource officer in such manner and according to such  
21 protocols as the board may believe to be most likely to secure or enhance the deterrence of physical threat and  
22 defense of the school, its students, its staff, and members of the public on the school premises against violent attack.  
23 Those so authorized shall be referred to as school sentinels.

24 Section 2. Before any school board may implement any school sentinel program pursuant to section 1 of  
25 this Act, or effect any material changes in the personnel or protocols of the school sentinel program, the school  
26 board shall obtain the approval of the law enforcement official who has jurisdiction over the school premises. Any  
27 material changes in the school sentinel program's personnel or protocols shall be reported to all law enforcement  
28 agencies with jurisdiction over the school premises forthwith.

29 Section 4. No school board, in implementing the provisions of section 1 of this Act, may arm any individual  
30 teacher or other school employee without the latter's free, willing, and voluntary consent. No individual teacher or  
31 other school employee may be censured, criticized, or discriminated against for unwillingness or refusal to carry

32 firearms pursuant to this Act.

33 The approval must be conditioned upon the individual agreeing to cooperate in training with local law  
34 enforcement for school emergencies to provide a coordinated response to building lockdown and active killer  
35 events. The governing body or school board shall require additional training and education provided through an  
36 approved school sentinel training program ~~North Dakota peace officer standards and training approved first armed~~  
37 responder curriculum consisting of ~~forty~~ eighty hours of instruction including legal considerations related to the  
38 force continuum and deadly force in the defense of others, firearm proficiency, target identification and  
39 discriminatory use of force, weapon retention and concealed carry techniques, defense tactics, procedures in  
40 response to school lockdown and active killer events, armed movement in crowds, first aid for the  
41 treatment of gunshot wounds, and interacting with law enforcement officers responding to  
42 school emergencies. A first armed responder must attend annual training and recertification  
43 courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment.  
44 In addition to the weapons training, the school board must approve and secure PTSD (Post Traumatic Stress  
45 Disorder training and support mechanisms for the school sentinel as well as any person who may be exposed to an  
46 active shooter situation as well as anyone else in relation to the event that seeks support. The school board may  
47 submit a person for school sentinel training only if the person meets the following requirements:

- 48
1. Is a citizen of the United States;
  2. Is at least 21 years of age at time of appointment;
  3. Has fingerprints taken by a qualified law enforcement officer;
  4. Is of good moral character;
  5. Is a graduate of an accredited high school or has a high school equivalency certificate acceptable  
53 to the commission;
  6. Is examined by a licensed physician who certifies, on forms prescribed by the commission, that  
55 the applicant is able to perform the duties of a school sentinel;
  7. Is interviewed in person by the school board or its designee and approved by the school board to  
57 apply to the school sentinel basic training course;
  8. Has received written approval to apply to the school sentinel basic training course by all local  
59 law enforcement agencies with jurisdiction over the school premises in which the individual will  
60 act as a school sentinel;
  9. Has not unlawfully used any prescribed drug, controlled substance, or marijuana within five  
62 years before the time of application for training; and
  10. Has a valid concealed weapons permit.

1 An individual may not carry a firearm or dangerous weapon on school premises until the  
2 individual has been approved by the school board and the individual has completed the first  
3 armed school sentinel responder curriculum requirements. An individual previously certified as a first  
4 armed responder may not carry a firearm or dangerous weapon on school premises if the individual  
5 has failed to complete the first armed responder recertification school sentinel course requirements within  
6 the previous twelve months. A firearm carried by any authorized individual on school premises must  
7 remain concealed and under the direct control of the certified individual. Any use of force under  
8 this section must comply with chapter 12.1-05. Consideration of approval for an individual to  
9 carry a firearm concealed under this section must be conducted in an executive session of the  
10 school board and any record or information considered or discussed at the executive session  
11 must be treated as a confidential record. If the governing body or school board of any school  
12 authorizes an individual to carry a firearm concealed, the governing body or school board shall  
13 inform, in writing, local law enforcement of the name of the authorized individual and the law  
14 enforcement agency shall maintain that record as confidential. Any other record provided by the  
15 individual to the school as part of the authorization under this section and any other record  
16 provided by the individual or the school to local law enforcement is an exempt record. The  
17 school and any private or public training provider recognized by the North Dakota peace officer  
18 standards and training board are immune from civil liability for any acts or omissions made  
19 during the performance, administration, or implementation of any services or programs  
20 authorized under this section. School Boards must understand that courts determine liability. An individual authorized  
21 to carry deadly weapons under this section is immune from civil liability to the extent allowed under  
22 section 12.1-05-07.2.

23 **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 25 2. This section does not apply to:
- 26 a. A law enforcement officer;
  - 27 b. A member of the armed forces of the United States or national guard, organized  
28 reserves, state defense forces, or state guard organizations, when on duty;
  - 29 c. A competitor participating in an organized sport shooting event;
  - 30 d. A gun or antique show;
  - 31 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor  
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,  
7 training, cultural, or competitive events involving the authorized use of a  
8 dangerous weapon if the event occurs with permission of the person or entity  
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or  
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry  
13 a dangerous weapon concealed if the individual is in a church building or other  
14 place of worship and has the approval to carry in the church building or other  
15 place of worship by a primary religious leader of the church or other place of  
16 worship or the governing body of the church or other place of worship. If a church  
17 or other place of worship authorizes an individual to carry a concealed weapon,  
18 local law enforcement must be informed of the name of the authorized individual;  
19 ~~and~~
- 20 m. A municipal court judge, a district court judge, a staff member of the office of  
21 attorney general, and a retired North Dakota law enforcement officer, if the  
22 individual maintains the same level of firearms proficiency as is required by the  
23 peace officer standards and training board for law enforcement officers. A local  
24 law enforcement agency shall issue a certificate of compliance under this section  
25 to an individual who is proficient; and
- 26 n. Individuals authorized to carry concealed weapons on school property under  
27 section 1 of this Act.

**Bosch, Glenn D.**

HB 1310  
Subcommittee

2-10-17

**From:** Anderson, Dick D.  
**Date:** Wednesday, February 8, 2017 6:50 PM  
**To:** Bosch, Glenn D.  
**Subject:** Fwd: HB 1310 request for information

Thought you would like to see this Glenn

Sent from my iPad

Begin forwarded message:

**From:** "Fischer, Valerie J." <[vfischer@nd.gov](mailto:vfischer@nd.gov)>  
**Date:** February 8, 2017 at 6:09:49 PM CST  
**To:** "Anderson, Dick D." <[dickanderson@nd.gov](mailto:dickanderson@nd.gov)>  
**Subject:** **HB 1310 request for information**

Good evening Rep. Anderson,

Pursuant to our conversation this morning and your request for additional information regarding liability relating to HB 1310, see the following from Steve Spilde of the ND Insurance Fund. As we're approaching possible new territory, there are many unknown variables.

Please let me know if you need more information. It was interesting to visit this morning and I appreciate your time and interest.

Have a good evening.

Sent from my iPhone

Begin forwarded message:

**From:** "Spilde, Steve" <[Steve.Spilde@ndirf.com](mailto:Steve.Spilde@ndirf.com)>  
**Date:** February 8, 2017 at 1:50:42 PM CST  
**To:** "[vfischer@nd.gov](mailto:vfischer@nd.gov)" <[vfischer@nd.gov](mailto:vfischer@nd.gov)>  
**Subject:** **HB 1310**

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Valerie:

Thank you for your telephone call this morning regarding HB 1310. You asked me to provide information regarding questions presented to you by legislators which involve liability issues attendant to HB 1310. My comments in our conversation are summarized, as follows:

In my opinion, enactment of a bill such as HB 1310 would create additional liability exposure for school districts, whether they opted to institute a policy as contemplated

~~#16~~ #2  
HB 1310  
~~2-10-17~~  
2-10-17

**TESTIMONY ON HB #1310**  
**HOUSE ENERGY and NATRUAL RESOURCES COMMITTEE**  
**January 26, 2017**  
**By: Stanley Schauer, Assistant Director-Adult Education**  
**701-328-2271**  
**Department of Public Instruction**

---

---

Chairman Porter and Members of the Committee:

My name is Stan Schauer and I am an assistant director with the Department of Public Instruction. I am simply here to provide information on HB 1310 in regards to what we are currently doing in school districts with school safety and also to follow up on a question bestowed upon us that derived directly from HB 1310. I come before you as a replacement testifier. I am speaking in place of Valerie Fischer - Director of Safe and Healthy Schools/Adult Education as she is ill and could not attend.

One of the best ways to deal with a school crisis or emergency is to have a practical and practiced plan in place. North Dakota Department of Public Instruction was given a federal grant (US Dept. of Ed.) for Emergency Operations Planning (EOP). The focus was on schools in a more rural area. During the grant timeline, 32 school districts and 72 buildings were provided an onsite assessment and report on a variety of events that would/could be declared an emergency or crisis. Out of these reports and findings came professional development, a feeling of readiness, and most ultimately-safer schools. The grant also allowed us to assess community threats and

assets, provide reasonable and cost-friendly recommendations, and provide training to all staff for a crisis response. There is sustainment to this grant that can allow us to continue training in prevention and mitigation. DPI partnered with the North Dakota Safety Council and also federal/state Departments of Homeland Security in developing these assessments and plans.

School resource officers or SRO's are also a valuable resource for school safety. In 2015 there were 19 SRO's and now there are 44 active duty (not including SRO supervisors). There is also the North Dakota Association of School Resource Officers-which looks forward to growing the SRO program. Most SRO's have 2 years of street patrol experience before being placed in that position and several have more than a decade of experience in a wide range of law enforcement positions. On top of the training to become a law enforcement official and the field experience, they also attend SRO Basic training within a year of their assignment and continue on with advancement classes and courses.

The Department of Public Instruction was asked to try to come up with a report dealing with distances between schools and law enforcement and first responders. After many discussions with emergency managers, local law enforcement, and federal/state Homeland Security partners it was determined that this is almost impossible to project as there are too many factors and moving parts. Also, there are multiple definitions of "rural", different departments or entities define



rural areas differently. We learned each county has a sheriff and between 1 and 10 deputies. Placement and movement of locations would vary by populations, tax base, budgets, situations calling for more law enforcement attention, and many other scenarios. There are also city police departments and volunteer EMS services in some of our smaller communities.

The Department of Public Instruction is committed to seeking out research and best practice to keep schools safe.

Chairman Porter and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have. Thank you for your time.

1  
HB 1310  
Subcommittee  
2-16-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first five public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder; and
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training and education provided through a North Dakota peace officer standards and training approved first armed responder curriculum consisting of forty hours of instruction, including legal considerations related to the force continuum and deadly force in the defense of others, firearm proficiency, target identification and discriminatory use of force, weapon retention and concealed carry techniques, defense tactics, procedures in response to school lockdown and active killer events, armed movement in crowds, first aid for the treatment of gunshot wounds, and interacting with law enforcement officers responding to school emergencies.

4. An individual selected to become a first armed responder for a school participating in the pilot program must:
  - a. Be a retired law enforcement officer or meet the training standards under this section;
  - b. Be a citizen of the United States;
  - c. Be at least twenty-one years old;
  - d. Successfully complete a criminal background check and be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
  - e. Be a high school graduate or meet equivalency standards;
  - f. Successfully complete a physical performed by a licensed physician who certifies the individual capable of performing the duties of a first responder;
  - g. Successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
  - a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.
7. Any use of force under this section by an authorized individual must comply with chapter 12.1-05. The school and any private or public training provider recognized by the North Dakota peace officer standards and training board are immune from civil liability for any acts or omissions made during the performance, administration, or implementation of any

services or programs authorized under this section. An individual authorized to carry a concealed weapon on school premises under this section is immune from civil liability to the extent allowed under section 12.1-05-07.2.

8. The school board or governing board may withdraw a school from participation in the program at anytime.
9. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed

weapon, local law enforcement must be informed of the name of the authorized individual; ~~and~~

- m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and
- n. An individual authorized to carry concealed weapons on school property under section 1 of this Act.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first ten public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder;
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
  - c. Participate with the superintendent of public instruction in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training and education provided through a North Dakota peace officer standards and training approved first armed responder curriculum consisting of forty hours of instruction, including legal considerations related to the force continuum and deadly force in the defense of others, firearm proficiency, target identification and discriminatory use of force, weapon retention and concealed carry techniques, defense tactics, procedures in response to school lockdown and active killer events, armed movement in crowds, first

aid for the treatment of gunshot wounds, and interacting with law enforcement officers responding to school emergencies.

4. An individual selected to become a first armed responder for a school participating in the pilot program must:
  - a. Be a retired law enforcement officer or meet the state requirements for peace officer standards and training;
  - b. Be a citizen of the United States;
  - c. Be at least twenty-one years old;
  - d. Successfully complete a criminal background check and be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
  - e. Be a high school graduate or meet equivalency standards;
  - f. Successfully complete a physical performed by a licensed physician or a certified nurse practitioner and a mental evaluation by a qualified mental health provider who certifies the individual capable of performing the duties of a first armed responder;
  - g. Successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
  - a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.

7. The school board or governing board may withdraw a school from participation in the program at anytime.
8. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual; and
  - m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement



officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and

- n. An individual authorized to carry concealed weapons on school property under section 1 of this Act.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

1A  
2-16-17  
Damschen  
HB 1310

**Fischer, Valerie J.**

**From:** Fischer, Valerie J.  
**Sent:** Thursday, February 16, 2017 11:28 AM  
**To:** Damschen, Charles D.; -Adm-NDLA Testimony for House Energy & Natural Resources  
**Cc:** 'Fern Pokorny'; Marthaller, Robert V.  
**Subject:** Requested Amendment language to HB 1310

**Importance:** High

Rep. Damschen –

Pursuant to the Committee work this morning on HB 1310, you requested amendment language regarding the following:

2. c. Any school district or nonpublic school selected under this section shall participate with the department of public instruction in an emergency operations assessment within the first three months of the program for the purpose of comprehensive identification of school crisis and emergency threats and risks.

I hope this meets your needs. If you want additional information, please contact me. Thank you for your time.

*Valerie Fischer*

Director of Adult Education  
Director of Safe & Healthy Schools



State Capitol, 600 East Boulevard Avenue  
Bismarck, ND 58505  
701.328.4138 [vfischer@nd.gov](mailto:vfischer@nd.gov)



1B  
2-16-17  
HB1310

# 2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee  
Coteau –A Room, State Capitol

HB 1310  
2/16/2017  
28458

- Subcommittee
- Conference Committee

Committee Clerk Signature

### Explanation or reason for introduction of bill/resolution:

relating to carrying a concealed firearm in a school; to an exception to the prohibition against possessing a firearm at a public gathering.

### Minutes:

Attachments #1

**Time:** 10 AM – 10:56 AM

**Members Present:** Chairman Damschen, Rep. Bosch, Rep. Mitskog, Rep. Anderson

**Others present:** Tom Gerhardt and Fern Pokoryn, ND United; Todd Kranda, Everytown for Gun Safety, Valeri Fischer, DPI; Chief Phil Pfennig, BCI; Brennan Quintus, ND Ins. Reserve Fund, Rep. Heinert

### Topics discussed:

- Proposed Amendment 17.0485.05001 reviewed
- **Pg 1, Section 1, #2- change five schools to 10 schools**
  - **from schools where primary law enforcement is over 30" away. We could say an additional 5 schools where primary law enforcement is over 30" away.**
  - Criteria to be identified by the DPI through the rules processed identified in #1, delineated in the process of the rule making.
  - Could say no more than 10 public or nonpublic schools and develop rules accordingly. Schools furthest out as priority, and a secondary group which are closer
- Limit to 10 schools, Dept. and Superintendent of Public Instruction in charge of adopting rules to administer this section and develop criteria. Also keep track of first 10 public or non-public schools.
- 90 days for action to be taken on plan
- Most large schools have an SRO, the smaller schools do not.

- Create Section 1, 2C The identified schools participate in the department's Emergency Operation Planning Assessment (broader than active shooter) but would supplement this. We were a recipient of 1 of 25 states that received a \$250k grant from the Dept. of Education and Dept. of Homeland Security and assessed 72 schools' buildings and districts. We go out and spend a day in the school, the community, and we evaluate a number of criteria for comprehensive safety and crisis planning. We give recommendations from everything from bussing traffic patterns to which doors should be locked, how visitors should be funneled, fire suppression equipment, all different types of drill procedures to minimize their risk and increase the prevention and intervention opportunities. We give them a recommendation with multiple levels of reports, policy and practice changes, equipment and supplies. Something we would be willing to do for these districts who are chosen. This is not just active shooter, everything from weather related drills to transportation of anhydrous, etc. It's broader than active shooter, but compliments this program and we would be willing to incur to supplement this program. Funding is exhausted. Now it's just out of their budget and do as they can.
- Page 1 Item 3 3<sup>rd</sup> line up from the bottom – active shooter – Val Fischer, DPI
  - Need supportive documentation from law enforcement that says, we believe this school might be most appropriate for this pilot program and would support those efforts because of demands between the city and county, might help find those most in need. This could be part of the developed rules process through an amendment
- Page 2 Item A: Retired law enforcement officers only might be limiting ourselves, or meets the ND requirements for licensed peace officer.
- Page 2 Subsection 4f: successful mental and physical evaluation screenings
  - Mental screening, comes at licensure - They would be able to attend that training at the colleges for instance, pay their own way and would not have to be hired by an agency. That training would give them certification to be licensed. In order to be licensed, they would have to go through mental evaluation screening and have a job, they're employed by an agency within the state. That employment would then give them a license. It would NOT require a mental health screening until they get hired by an agency;
  - Section A in order to be a law enforcement officer you would have to have a mental screening. However, when it says OR meeting the training standards under this 4a, there's no requirement for mental screening. LEOSA – mental screening is not part of that LEOSA;
  - Section F says a physical evaluation;
- Who would provide the **training**? ND Peace Officers Training standards, take the training wherever the law enforcement take the training.
  - Page 2, Subsection 4a: Training should be specified in this section. Section 12 of Century Code
  - 4a – recommend simply to be retired law enforcement officer, insert and after officer so it reads and or

- FASTER program that has been developed and used out of Ohio, provide this level of training for other state. Maybe that program meets the standards of the Ohio program like this.
- Around the state, besides the state run academy in Bismarck, there are also several academies run by colleges. One has satellite programs for people to pay their own way through those trainings.
- Page 1 Subsection 3 (the course Mr. Hammer created and presented to the post board. Anyone can provide a course outline and a person bio to show them have some level of knowledge on the topic, submit to the post board and have it approved for law enforcement accredited training. This speaks only to the training program he had approved. This class would not meet the requirements but would be merely an addendum or added in requirement of some level of peace officer or academy training.
- Page 3, Item 8 school board or governing board, can withdraw a school from participation at any time
- Liability insurance - Brennen Quintus, ND Insurance Reserve Fund
  - Who would own the gun? Would they be employees of the school district or independent contractors? In law enforcement it can be either or. Agencies do provide firearms, and also allow them to carry their own if approved.
  - Covered parties would include a volunteer or employee acting on behalf of the school. An independent contractor would not be covered.
  - ND Insurance Reserve Fund, government self-insurance pool- there isn't information or statistics to base their info on.
- Report back to Legislative management through DPI

LC  
HB 1310  
2/16/17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code; relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first five public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder; and
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training and education provided through a North Dakota peace officer standards and training approved first armed responder curriculum consisting of forty hours of instruction, including legal considerations related to the force continuum and deadly force in the defense of others, firearm proficiency, target identification and discriminatory use of force, weapon retention and concealed carry techniques, defense tactics, procedures in response to school lockdown and active killer events, armed movement in crowds, first aid for the treatment of gunshot wounds, and interacting with law enforcement officers responding to school emergencies.

4. An individual selected to become a first armed responder for a school participating in the pilot program must:
  - a. Be a retired law enforcement officer or meet the training standards under this section;
  - b. Be a citizen of the United States;
  - c. Be at least twenty-one years old;
  - d. Successfully complete a criminal background check and be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
  - e. Be a high school graduate or meet equivalency standards;
  - f. Successfully complete a physical performed by a licensed physician who certifies the individual capable of performing the duties of a first responder;
  - g. Successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
  - a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.
7. Any use of force under this section by an authorized individual must comply with chapter 12.1-05. The school and any private or public training provider recognized by the North Dakota peace officer standards and training board are immune from civil liability for any acts or omissions made during the performance, administration, or implementation of any

services or programs authorized under this section. An individual authorized to carry a concealed weapon on school premises under this section is immune from civil liability to the extent allowed under section 12.1-05-07.2.

8. The school board or governing board may withdraw a school from participation in the program at anytime.
9. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed



weapon, local law enforcement must be informed of the name of the authorized individual; ~~and~~

- m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and
- n. An individual authorized to carry concealed weapons on school property under section 1 of this Act.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

1  
2-17-17  
Damschen  
HB 1310  
Subcommittee  
10:50AM

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first ten public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder;
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
  - c. Participate with the superintendent of public instruction in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training and education provided through a North Dakota peace officer standards and training approved first armed responder curriculum consisting of forty hours of instruction, including legal considerations related to the force continuum and deadly force in the defense of others, firearm proficiency, target identification and discriminatory use of force, weapon retention and concealed carry techniques, defense tactics, procedures in response to school lockdown and active killer events, armed movement in crowds, first

aid for the treatment of gunshot wounds, and interacting with law enforcement officers responding to school emergencies.

4. An individual selected to become a first armed responder for a school participating in the pilot program must:
  - a. Be a retired law enforcement officer or meet the state requirements for peace officer standards and training;
  - b. Be a citizen of the United States;
  - c. Be at least twenty-one years old;
  - d. Successfully complete a criminal background check and be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
  - e. Be a high school graduate or meet equivalency standards;
  - f. Successfully complete a physical performed by a licensed physician or a certified nurse practitioner and a mental evaluation by a qualified mental health provider who certifies the individual capable of performing the duties of a first armed responder;
  - g. Successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
  - a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.

7. The school board or governing board may withdraw a school from participation in the program at anytime.
8. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual; and
  - m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement

officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and

- n. An individual authorized to carry concealed weapons on school property under section 1 of this Act.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

## RECOMMENDATIONS

The following recommendations have been provided to the NRA as it considers its future commitment to the mission of school security and safety. Some of the recommendations also apply to federal and state policy makers, and it is our intent that the recommendations will add to the national discussion and be part of the solutions to the common goal of protecting our children.

**No. 1: Training** A model-training program has been developed by the NSS Task Force for the professional training of armed personnel in the school environment. Appendix D is the public version of the training outline for law-enforcement school resource officers, and Appendix E is the public version of the training outline for armed school personnel. This training will only be open to those who are designated by school officials and qualified by appropriate background investigation, testing and relevant experience.

The National School Shield initiative should adopt this model-training program for armed officers or personnel in the schools as a best practice. The NRA has the nationally recognized expertise to develop and implement the stringent training courses required by this model program. It is recommended that the professional training programs that are approved by the states for armed school personnel use private sector approved and certified trainers as well as traditional state law enforcement trainers. Appendix C is the public version of the Train the Trainer Program.

**No. 2: Adoption of Model Law for Armed School Personnel** Many states prohibit anyone other than a sworn law-enforcement officer or licensed security guard to carry a firearm in a public or non-public school. In order for a selected school staff member to be designated, trained and armed on school property, the states will have to change current legal restrictions.

Attached, as Appendix H, is a model state law that is presented for that purpose.

**No. 3: School Resource Officer** Each school that employs an SRO should have a Memorandum of Understanding (MOU), or an "interagency agreement," between the appropriate law-enforcement agency and the school district. This contract should define the duties and responsibilities of the SRO, as well as the applicable laws, rules and regulations.

The objective of the SRO is not to increase juvenile arrests within a school, but to provide security and to support the normal disciplinary policies of a school consistent with the MOU.

# ATTORNEY

OFFICE OF THE

# SOUTH DAKOTA GENERAL



3  
HP 1310  
Subcommittee  
2-17-17  
10:50AM  
MITSKOG

[Home](#) >> [Law Enforcement Resources](#) >> [Law Enforcement Training](#) >> School Sentinel Training

Additional Resources

## School Sentinel Training Program

Law Enforcement Training provides training for all approved school sentinels. The training course for the school sentinel program consists of at least 80 hours of training in the following subject areas.

1. Firearms proficiency
2. Use of force
3. Legal aspects
4. Weapons retention
5. Identifying protocol for identifying sentinel
6. First aid

The school board may submit a person for school sentinel training only if the person meets the following requirements:

1. Is a citizen of the United States;
2. Is at least 21 years of age at time of appointment;
3. Has fingerprints taken by a qualified law enforcement officer;
4. Is of good moral character;
5. Is a graduate of an accredited high school or has a high school equivalency certificate acceptable to the commission;
6. Is examined by a licensed physician who certifies, on forms prescribed by the commission, that the applicant is able to perform the duties of a school sentinel;
7. Is interviewed in person by the school board or its designee and approved by the school board to apply to the school sentinel basic training course;
8. Has received written approval to apply to the school sentinel basic training course by all local law enforcement agencies with jurisdiction over the school premises in which the individual will act as a school sentinel;
9. Has not unlawfully used any prescribed drug, controlled substance, or marijuana within one year before the time of application for training; and

10. Has a valid concealed weapons permit.

---

---

[Contact Us](#) | [Site Disclaimer](#) | [Privacy Policy](#) | [State of South Dakota Home Page](#)

[Conference of Western Attorneys General](#) | [National Association of Attorneys General](#)



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first ten public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
  - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder;
  - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
  - c. Participate with the superintendent of public instruction in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training and education provided through a North Dakota peace officer standards and training approved first armed responder curriculum consisting of forty hours of instruction, including legal considerations related to the force continuum and deadly force in the defense of others, firearm proficiency, target identification and discriminatory use of force, weapon retention and concealed carry techniques, defense tactics, procedures in response to school lockdown and active killer events, armed movement in crowds, first

aid for the treatment of gunshot wounds, and interacting with law enforcement officers responding to school emergencies.

4. An individual selected to become a first armed responder for a school participating in the pilot program must:
  - a. Be a retired law enforcement officer or meet the state requirements for peace officer standards and training;
  - b. Be a citizen of the United States;
  - c. Be at least twenty-one years old;
  - d. Successfully complete a criminal background check and be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
  - e. Be a high school graduate or meet equivalency standards;
  - f. Successfully complete a physical performed by a licensed physician or a certified nurse practitioner and a mental evaluation by a qualified mental health provider who certifies the individual capable of performing the duties of a first armed responder;
  - g. Successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
  - h. Be approved by the school board or governing board to carry a firearm concealed on school property; and
  - i. Possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
  - a. The individual has been approved by the school board or governing body under subsection 4;
  - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and
  - c. The individual completes the first armed responder recertification course requirements every twelve months.

7. The school board or governing board may withdraw a school from participation in the program at anytime.
8. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - k. An individual in a publicly owned or operated rest area or restroom;
  - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual; and
  - m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement

officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and

- n. An individual authorized to carry concealed weapons on school property under section 1 of this Act.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

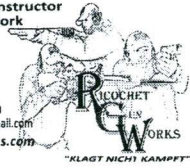
3/14/17

①

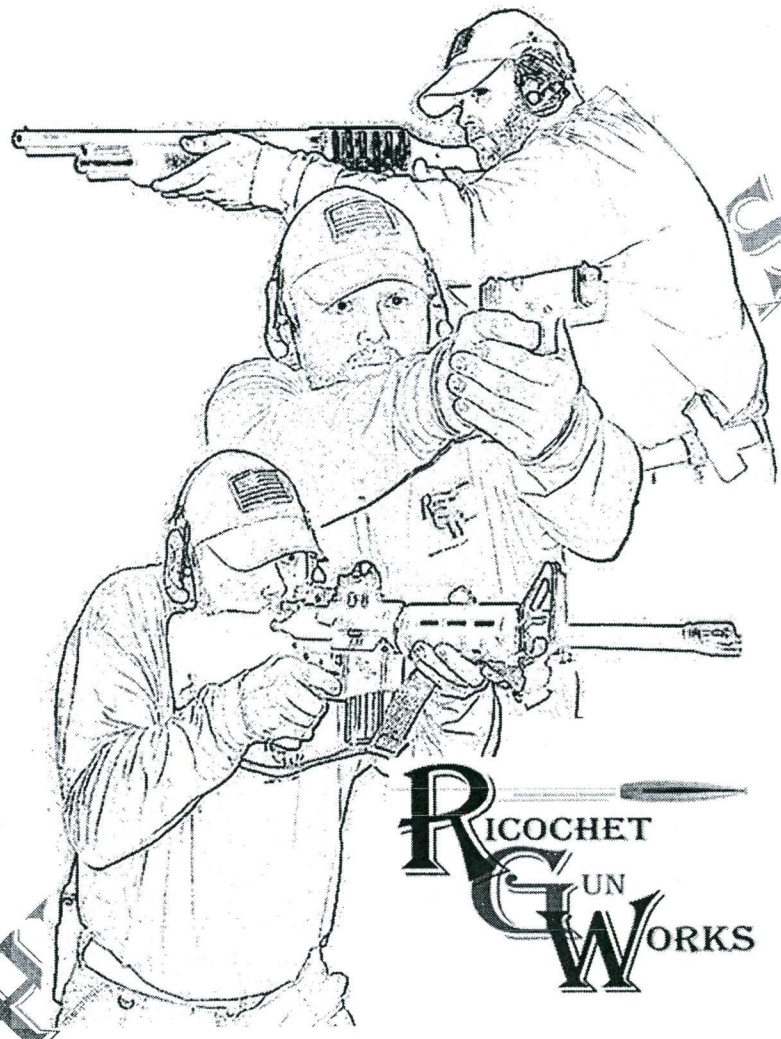
HB 1310

\*Certified Firearm Instructor  
\*Custom Firearm Work  
\*U.S. Army Retired

Paul Homers  
P.O. Box 285  
Napoleon, ND 58561  
Phone: (701) 754-2680  
Email: ricochetgunworks@gmail.com  
www.ricochetgunworks.com



# RGW FIRST ARMED RESPONDER COURSE



RICOCHET GUN WORKS 2017

## WHAT ARE THE GOALS OF THIS LEGISLATION

1. To enhance the safety and security of the educational environment in rural North Dakota schools.
2. Provide rural schools a financially viable alternative to School Resource Officers by empowering financially challenged districts to produce highly trained and qualified staff members with the tools to defend against violent attack.
3. To allow each school district to choose for themselves, options which are correct for its situation and the feelings and needs of its patrons.
4. To provide a clear cut path for compliance once the debate over whether to include First Armed Responders as part of a district security plan has been decided.

## ARTICLE I DECLARATION OF RIGHTS

**Section 1.** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

### HB 1190

SECTION 1. A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows: An individual authorized by the chief justice of the supreme court, governor, speaker of the house, or president pro tempore of the senate, to carry a concealed weapon on property owned or leased by the state.

#### **15.1-19-02. Corporal punishment - Prohibition - Consistent policies.**

1. A school district employee may not inflict, cause to be inflicted, or threaten to inflict corporal punishment on a student.
2. This section does not prohibit a school district employee from using the degree of force necessary:
  - a. To quell a physical disturbance that threatens physical injury to an individual or damage to property;
  - b. To quell a verbal disturbance;
  - c. For self-defense;
  - d. For the preservation of order; or
  - e. To obtain possession of a weapon or other dangerous object within the control of a student.

#### **15.1-19-10. Possession of a weapon - Policy - Expulsion from school.**

1. The board of each school district shall adopt a policy governing the possession of weapons and firearms on school property or at a school function and provide for the punishment of any student found to be in violation of the policy.....

5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.

#### **15.1-19-12. School safety patrols - Immunity from liability.**

The superintendent of public instruction, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, safety patrol members whether students or adults, and parents of safety patrol student members are immune from any liability that might otherwise be incurred as a result of an injury to a safety patrol member or as a result of an injury caused by an act or omission on the part of a safety patrol member while on duty, provided that the persons substantially complied with the rules to guide safety patrol members, as adopted by the superintendent of public instruction.

**15.1-19-14. School law enforcement unit.**

1. A school may create or designate a school law enforcement unit as defined in the Family Educational Rights and Privacy Act [20 U.S.C. 1232(g)] and rules adopted under the Act. Records of a school law enforcement unit regarding a student at a school are confidential but may be released to:.....

Under FERPA, schools may disclose information from "law enforcement unit records" to anyone – including federal, State, or local law enforcement authorities – without the consent of the parent or eligible student. FERPA specifically exempts from the definition of "education records" – and thereby from the privacy restrictions of FERPA – records that a law enforcement unit of a school district or postsecondary institution creates and maintains for a law enforcement purpose. A "law enforcement unit" is an individual, office, department, division, or other component of a school district or postsecondary institution – such as a unit of commissioned officers or noncommissioned security guards – that is officially authorized or designated by the school district or institution to: (1) enforce any federal, State, or local law; or (2) maintain the physical security and safety of the school. See 34 C.F.R. § 99.8.

**---from US Department of Education – letter to clarify FERPA requirements**

LeRoy S. Rooker  
Director  
Family Policy Compliance Office

**62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.**

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.

2. This section does not apply to:.....

j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;



I am Paul Hamers, a native North Dakotan, retired U.S. Army Noncommissioned Officer, teacher, military historian, NRA Life Member, and one of the few civilians recognized by ND Peace Officer Standards and Training Board as a subject matter expert in firearms and tactics instruction. I am formerly president of the teacher's local, ND United member, lay leader in the Salem Methodist Church, and currently serving as the Municipal Judge for the city of Napoleon.

Just last night I was reflecting on the past, the present, and the future. I was clearing my mind before sitting down to finalize written testimony in support of this bill, HB 1310. A voice inside me said, "What you have written is all wrong!" I scrapped that draft.

What is it that we all want? We want our kids to be safe. I reflected on Columbine and I remember my initial reaction as it unfolded on CNN. The law enforcement barricade and contain technique left responding officers waiting outside while carnage ensued inside. I reread the timeline from Sandy Hook and realized that although police training had evolved in response to the growing active killer threat, thirteen years did not solve the response time problem; the time difference between realizing there is a threat and dispatching individuals equipped to end the threat.

In both the cases of Columbine and Sandy Hook, teachers did what they were training to do; they attempted to safeguard the lives of the students in their care. Unfortunately, in both instances the teachers were ill equipped and lacked the proper mindset to confront the level of violence that each faced.

During the 64<sup>th</sup> Legislative session, I testified that I could not support arming school staff unless the training component was mandatory. The version of the bill that passed the House and moved forward to the Senate did include mandatory training, but did not specify what type, how much, or by whom.

The version of HB 1310 that you have before you today addresses all known shortcomings in previous bills that attempted to authorize local school districts to arm staff members. No one knows the needs of the local district better than the local populace. We should not be afraid to empower the local district with this option in the same manner that it is our duty to empower teachers with the means to safeguard students from cowardly killers.

Looking at HB 1310 as written there is a minimum requirement that candidates possess a ND Class 1 Dangerous Weapon License. This requirement serves several important purposes. Candidates are screened for criminal and mental history. Candidates have a basic understanding of ND laws governing the use of force. Candidates have demonstrated a minimal working knowledge of handguns and passed a moderate weapons proficiency qualification. Combining the Class 1 license process and local school board's intimate knowledge of the personal living and working in their schools provides a fair indicator of appropriate First Armed Responder candidate selection.

Policing represents a broad approach to containing and investigating crime. This means that the majority of training received by law enforcement officers is irrelevant to the task of stopping an active killer. A broad approach is actually detrimental to the rapid response that is required during an active killer event. The uniqueness and narrow scope of an active killing spree requires a training focus that is narrowly defined.

The First Armed Responder must first and foremost be a competent concealed carry practitioner. The firearm must be carried day in and day out in a safe and truly concealed manner. Not in a manner consistent with a plain clothes officer, but in a manner consistent with a truly benign deep cover technique.

First Armed Responders must have a deep understanding of the judicious application of lethal force. A complete understanding of when and where to employ a firearm is essential. A willingness to accept the responsibility of being armed is not optional.

The ability to demonstrate marksmanship ability under stress is vital. Discriminatory shooting problems and understanding the limits of one's own abilities cannot be left out of the training. The ability to employ basic tactics that increase self-preservation must be a nearly automatic response when moving through a building to assess an active killer event.

Many trauma victims die from exsanguination. With current EMS training emphasis on preserving the safety of the medical personal by waiting for scene security, First Armed Responders need training in bleeding control techniques. Many lives could be saved if bleeding could be brought under control to minimize blood loss before transportation of trauma victims to medical facilities.

There is always a concern for armed individuals to be mistaken for the violent actor when in reality they are an off duty police officer or a legally armed citizen. Most active shooter situations end by the time law enforcement enters the scene, however this does not mean the possibility of friendly fire casualties does not exist. It is vital that First Armed Responders be cognizant of making their identity known to responding officers through compliance and other conscious identification efforts.

Firearm and tactical skills are perishable if not practiced often. It is essential that First Armed Responders practice marksmanship often and demonstrate their skills yearly with a ten-hour recertification course.

There is a tactical advantage to carrying firearms in a concealed manner. It is essential that the identities of the First Armed Responders be kept confidential throughout the selection process and after authorization.

Liability for the justifiable use of lethal force is already covered in the NDCC, Title 12.1. School boards and trainers are covered against liability for actions or omissions made during the implementation of programs authorized by this bill. There is a need to add section 15.1-19-02 as a broader protection of the First Armed Responder acting in the best interest of student safety.

North Dakota Insurance Reserve Fund insures most schools in North Dakota. In a phone conversation with Steve Spilde, CEO, he informed me that very few school activities that are authorized in the Century Code are not covered by NDIRF. The only one that came to mind was aircraft maintenance. In regard to arming staff, the depth of training required in this bill is more favorable for insurance purposes than past versions. Mr. Spilde stated that he could not guarantee insurance coverage until the matter was studied after the bill becomes law, however he stressed that the effort to provide coverage would be explored utilizing the same standards as the other legally authorized school activities.

Some Points of Interest:

- The Armed First Responder Course has already received ND POST approval (see attached)
  - ND Class 1 permit is prerequisite
  - Board letter of authorization is prerequisite
  - 40 hours
  - \$1000 per candidate
  - Additional expenses: lodging, firearm, ammunition, safety equipment
  - Course standards are high and attrition rates of 25% are expected
  - Peace officers are encouraged to attend
  - Annual recertification is required
- There are primer classes available to help increase probability of graduation
- The Armed First Responder course incorporates more firearm specific training hours than the state approved Law Enforcement academy
- Insurance through NDIRF is likely
  - Insurance costs in Ohio have been as low as an addition \$100 per armed staff member
- Liability for boards, administration, and authorized individuals is already covered in the NDCC
- Immunity for every reasonable situation except recklessness and negligence as outline in chapter 12.1 NDCC
- Ohio is the model for authority to carry being in the hands of local school boards
- I have been working closely with key leaders in the FASTER Saves Lives organization in Ohio
  - See attached third party testimony
- There are model resolutions and checklists available for school boards to implement this bill
- I am available and willing to assist any school board in evaluating a need for First Armed Responders

First response timeline Sandy Hook

Time Event

9:35 a.m. Shooter is believed to first enter SHES.  
9:35:39 a.m. First 911 call to Newtown Police is received.  
9:36:06 a.m. 911 dispatcher broadcasts shooting at SHES.  
9:37:38 a.m. Connecticut State Police dispatched to SHES.  
9:39:00 a.m. First Newtown police arrives behind SHES.  
9:39:13 a.m. Two more Newtown officers arrive at SHES.  
9:40:03 a.m. Last shot heard. Believed to be shooter's suicide.  
9:42:39 a.m. Newtown police reports shooter's car license plate.  
9:44:47 a.m. Newtown police officers enter SHES.  
9:46:23 a.m. Connecticut State Police arrive at SHES.  
9:46:48 a.m. Connecticut State Police enter SHES.

# Original Bill

17.0485.05000

Sixty-fifth  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1310

# Deleted

Introduced by

Representatives Kiefert, Johnston, Karls, D. Ruby, Streyle, Trottier

Senators Campbell, O. Larsen, D. Larson, Luick

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota  
2 Century Code, relating to carrying a concealed firearm in a school; and to amend and reenact  
3 subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception  
4 to the prohibition against possessing a firearm at a public gathering.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Possession of a concealed weapon - First armed responder in schools.**

9 An individual possessing a valid class 1 concealed weapons license from this state may  
10 carry a firearm concealed on school property, if the individual is on private school property and  
11 has the approval of the governing body of the private school to carry a firearm concealed or if  
12 the individual is on public school property and has the approval of the board of the school  
13 district to carry a firearm concealed. The approval must be conditioned upon the individual  
14 agreeing to cooperate in training with local law enforcement for school emergencies to provide  
15 a coordinated response to building lockdown and active killer events. The governing body or  
16 school board shall require additional training and education provided through a North Dakota  
17 peace officer standards and training approved first armed responder curriculum consisting of  
18 forty hours of instruction including legal considerations related to the force continuum and  
19 deadly force in the defense of others, firearm proficiency, target identification and discriminatory  
20 use of force, weapon retention and concealed carry techniques, defense tactics, procedures in  
21 response to school lockdown and active killer events, armed movement in crowds, first aid for  
22 the treatment of gunshot wounds, and interacting with law enforcement officers responding to  
23 school emergencies. A first armed responder must attend annual training and recertification  
24 courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment.

ORIGINAL  
Deleted

B111

Sixty-fifth  
Legislative Assembly

1 An individual may not carry a firearm or dangerous weapon on school premises until the  
2 individual has been approved by the school board and the individual has completed the first  
3 armed responder curriculum requirements. An individual previously certified as a first armed  
4 responder may not carry a firearm or dangerous weapon on school premises if the individual  
5 has failed to complete the first armed responder recertification course requirements within the  
6 previous twelve months. A firearm carried by any authorized individual on school premises must  
7 remain concealed and under the direct control of the certified individual. Any use of force under  
8 this section must comply with chapter 12.1-05. Consideration of approval for an individual to  
9 carry a firearm concealed under this section must be conducted in an executive session of the  
10 school board and any record or information considered or discussed at the executive session  
11 must be treated as a confidential record. If the governing body or school board of any school  
12 authorizes an individual to carry a firearm concealed, the governing body or school board shall  
13 inform, in writing, local law enforcement of the name of the authorized individual and the law  
14 enforcement agency shall maintain that record as confidential. Any other record provided by the  
15 individual to the school as part of the authorization under this section and any other record  
16 provided by the individual or the school to local law enforcement is an exempt record. The  
17 school and any private or public training provider recognized by the North Dakota peace officer  
18 standards and training board are immune from civil liability for any acts or omissions made  
19 during the performance, administration, or implementation of any services or programs  
20 authorized under this section. An individual authorized to carry deadly weapons under this  
21 section is immune from civil liability to the extent allowed under section 12.1-05-07.2.

22 **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota  
23 Century Code is amended and reenacted as follows:

- 24 2. This section does not apply to:
- 25 a. A law enforcement officer;
  - 26 b. A member of the armed forces of the United States or national guard, organized  
27 reserves, state defense forces, or state guard organizations, when on duty;
  - 28 c. A competitor participating in an organized sport shooting event;
  - 29 d. A gun or antique show;
  - 30 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

ORIGINAL B/M  
Deleted

Sixty-fifth  
Legislative Assembly

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor  
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,  
7 training, cultural, or competitive events involving the authorized use of a  
8 dangerous weapon if the event occurs with permission of the person or entity  
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or  
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry  
13 a dangerous weapon concealed if the individual is in a church building or other  
14 place of worship and has the approval to carry in the church building or other  
15 place of worship by a primary religious leader of the church or other place of  
16 worship or the governing body of the church or other place of worship. If a church  
17 or other place of worship authorizes an individual to carry a concealed weapon,  
18 local law enforcement must be informed of the name of the authorized individual;  
19 and
- 20 m. A municipal court judge, a district court judge, a staff member of the office of  
21 attorney general, and a retired North Dakota law enforcement officer, if the  
22 individual maintains the same level of firearms proficiency as is required by the  
23 peace officer standards and training board for law enforcement officers. A local  
24 law enforcement agency shall issue a certificate of compliance under this section  
25 to an individual who is proficient; and
- 26 n. Individuals authorized to carry concealed weapons on school property under  
27 section 1 of this Act.

As passed

17.0485.06000

FIRST ENGROSSMENT

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1310

poorest option

Introduced by

Representatives Kiefert, Johnston, Karls, D. Ruby, Streyle, Trottier

Senators Campbell, O. Larsen, D. Larson, Luick

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota  
2 Century Code, relating to the creation of a pilot program to allow the carrying of a concealed  
3 firearm on school property by qualified individuals; to amend and reenact subsection 2 of  
4 section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition  
5 against possessing a firearm at a public gathering; to provide for a report to the legislative  
6 management; and to provide an expiration date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created  
9 and enacted as follows:

10 **Possession of a concealed weapon - First armed responder in schools - Pilot**  
11 **program - Reports to legislative management.**

12 1. The superintendent of public instruction shall adopt rules to administer this section and  
13 develop criteria for the submission, approval, and evaluation of the proposals and  
14 plans under this section.

15 2. The superintendent of public instruction may accept a proposal from the first ten public  
16 or nonpublic schools, upon approval by the school board or governing board,  
17 indicating the intention by the school to participate in a first armed responder pilot  
18 program during the 2017-19 biennium. Within ninety days of informing the  
19 superintendent of public instruction of the intent to participate in the program, the  
20 school shall:

21 a. Identify the individual selected by the school to participate in the program and  
22 attend training to become the school's first armed responder;

23 b. Submit a plan to the superintendent of public instruction specifying how the  
24 school will implement the program; and

AS passed  
poorest option

- 1           c. Participate with the superintendent of public instruction in a comprehensive  
2           emergency operations assessment for the purpose of identifying school crisis  
3           and emergency threats and risks.
- 4           3. The plan submitted by the school to the superintendent of public instruction must  
5           require the selected individual to complete training equivalent to the South Dakota  
6           school sentinel program.
- 7           4. An individual selected to become a first armed responder for a school participating in  
8           the pilot program:
- 9           a. Must be a retired law enforcement officer or meet the requirements of subsection  
10           3;
- 11           b. Must be a citizen of the United States;
- 12           c. Must be at least twenty-one years old;
- 13           d. Shall successfully complete a criminal background check and must be approved  
14           by the local law enforcement agencies with jurisdiction over the school premises  
15           at which the individual will be a first armed responder;
- 16           e. Must be a high school graduate or meet equivalency standards;
- 17           f. Shall successfully complete a physical performed by a licensed physician or an  
18           advanced practice registered nurse and a mental evaluation by a qualified mental  
19           health provider who certifies the individual capable of performing the duties of a  
20           first armed responder;
- 21           g. Shall successfully complete a faculty and administrator safety training and  
22           emergency response program in addition to the requirements under  
23           subsection 3;
- 24           h. Must be approved by the school board or governing board to carry a firearm  
25           concealed on school property; and
- 26           i. Shall possess a valid class 1 concealed weapons license from this state.
- 27           5. An individual selected to become a first armed responder at a school participating in  
28           the pilot program shall agree to cooperate in training with local law enforcement for  
29           school emergencies to provide a coordinated response to building lockdown and  
30           active killer events. The individual shall attend annual training and recertification  
31           courses consisting of a minimum of ten hours of instruction and a skills evaluation



As passed  
poorest option

- 1 assessment. A firearm carried by an authorized individual on school premises must  
2 remain concealed and under the direct control of the certified individual. The school  
3 board or governing board of any school participating in the program shall inform local  
4 law enforcement, in writing, of the name of the individual authorized by the school to  
5 participate in the program.
- 6 6. An individual selected as a first armed responder may not carry a firearm concealed or  
7 a dangerous weapon on school premises unless:
- 8 a. The individual has been approved by the school board or governing body under  
9 subsection 4;
- 10 b. The individual has completed the first armed responder curriculum requirements  
11 under subsections 3 and 4; and
- 12 c. The individual completes the first armed responder recertification course  
13 requirements every twelve months.
- 14 7. The school board or governing board shall approve a post-traumatic stress disorder  
15 treatment program for armed first responders.
- 16 8. The school board or governing board may withdraw a school from participation in the  
17 program at anytime.
- 18 9. A school participating in the program shall provide program evaluation data to the  
19 superintendent of public instruction at the time and in the manner requested by the  
20 superintendent of public instruction. The superintendent of public instruction shall  
21 provide periodic reports to the legislative management regarding the implementation  
22 and progress of the pilot program by the participating schools.

23 **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 25 2. This section does not apply to:
- 26 a. A law enforcement officer;
- 27 b. A member of the armed forces of the United States or national guard, organized  
28 reserves, state defense forces, or state guard organizations, when on duty;
- 29 c. A competitor participating in an organized sport shooting event;
- 30 d. A gun or antique show;
- 31 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

As passed  
poorest option

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor  
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,  
7 training, cultural, or competitive events involving the authorized use of a  
8 dangerous weapon if the event occurs with permission of the person or entity  
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or  
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry  
13 a dangerous weapon concealed if the individual is in a church building or other  
14 place of worship and has the approval to carry in the church building or other  
15 place of worship by a primary religious leader of the church or other place of  
16 worship or the governing body of the church or other place of worship. If a church  
17 or other place of worship authorizes an individual to carry a concealed weapon,  
18 local law enforcement must be informed of the name of the authorized individual;  
19 and
- 20 m. A municipal court judge, a district court judge, a staff member of the office of  
21 attorney general, and a retired North Dakota law enforcement officer, if the  
22 individual maintains the same level of firearms proficiency as is required by the  
23 peace officer standards and training board for law enforcement officers. A local  
24 law enforcement agency shall issue a certificate of compliance under this section  
25 to an individual who is proficient; and
- 26 n. An individual authorized to carry a concealed weapon on school property under  
27 section 1 of this Act.

28 **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that  
29 date is ineffective.

A bill for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to carrying a concealed firearm in a school; and to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

### Possession of a concealed weapon - First armed responder in schools.

1. The governing body of a private school or the school board of a public school may authorized an individual to carry a firearm concealed on school property at the governing body's discretion.
2. Consideration of approval for an individual to carry a firearm concealed under this section must be conducted in an executive session of the school board and any record or information considered or discussed at the executive session must be treated as a confidential record.
3. If the governing body or school board of any school authorizes an individual to carry a firearm concealed, the governing body or school board shall inform, in writing, local law enforcement of the name of the authorized individual and the law enforcement agency shall maintain that record as confidential.
4. Any other record provided by the individual to the school as part of the authorization under this section and any other record provided by the individual or the school to local law enforcement is an exempt record.
5. The school board or governing board shall identify a post-traumatic stress disorder treatment provider for authorized first armed responders
6. The governing body of a district may delegate its authority to act under this section, in writing, to a principal, superintendent, or other school official.
7. The individual must meet the following criteria.
  - a. Is a citizen of the United States;
  - b. Is at least 21 years of age at time of appointment;
  - c. Is of good moral character;
  - d. Is a graduate of an accredited high school or has a high school equivalency certificate
  - e. Is examined by a licensed physician who certifies that the applicant is able to perform the duties of a first armed responder
  - f. Is interviewed in person by the school board or its designee and approved by the school board to apply to the First Armed Responder Course.
  - g. A first armed responder must attend annual training and recertification consisting of a minimum of ten hours of instruction and a skills evaluation assessment based on the final tests of the First Armed responder course.
  - h. The chief law enforcement officer in the school district has conducted a local records check and given written approval. Disapprovals shall be detailed in writing.

# Best Choice

2 of 4

- i. Has no criminal history of unlawfully use of prescription drugs, recreational drugs, controlled substances or alcohol related offenses within the previous 10 years.
  - j. Possesses and maintains a valid North Dakota Class 1 concealed weapons permit.
  - k. Cooperates in training with local law enforcement agencies for school emergencies to provide a coordinated response to building lockdown and active killer events.
8. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
- a. The individual has completed the first armed responder course
  - b. The individual has been approved by the school board or governing body
  - c. The individual completed the first armed responder recertification course within the previous twelve months.
  - d. The individual maintains a North Dakota Class 1 concealed weapons permit
9. The First Armed Responders Course is a North Dakota Peace Officer Standards and Training approved course #RGW17001 consisting of forty hours of instruction in the following subjects
- a. legal considerations related to the force continuum and
  - b. deadly force in the defense of others,
  - c. firearm proficiency,
  - d. target identification and discriminatory use of force,
  - e. weapon retention and
  - f. concealed carry techniques,
  - g. defense tactics techniques and procedures in response to school lockdown and active killer events,
  - h. force on force interaction with active killers
  - h. armed movement in crowds,
  - i. first aid for the treatment of gunshot wounds, and
  - j. techniques for interacting with law enforcement officers responding to school emergencies.
10. A firearm carried by any authorized individual on school premises must remain concealed and under the direct control of the certified individual.
11. Any use of force under this section must comply with chapter 12.1 - 05.
12. The governing body of the school district, building principal, or superintendent may immediately suspend First Armed Responder privileges for discipline or unsafe acts. The governing body may permanently remove authorization of an individual at any time.
13. Any other record provided by the individual to the school as part of the authorization under this section and any other record provided by the individual or the school to local law enforcement is an exempt record.
14. The school and any private or public training provider recognized by the North Dakota peace officer standards and training board are immune from civil liability for any acts or omissions made during the performance, administration, or implementation of any services or programs authorized under this section. An individual authorized to carry deadly weapons under this section is immune from civil liability to the extent allowed under section 12.1-05- 07.2.
15. Administration of this section shall be the responsibility of the training provider and the governing body of the school district.

# Best Choice 3 of 4

- a. The training provider shall provide any school district with a first armed responder application packet upon demand. The packet shall contain a checklist for district and individual compliance with this section, suggested interview questions for potential first armed responders, district authorization form, individual application, fingerprint card, chief law enforcement officer recommendation form, physical health reporting form, medical history and emergency form.
- b. All applications and training records must be treated as confidential by the training provider. A copy of all documentation shall be forwarded to the first armed responder's governing body upon completion or termination from training.
- c. The district shall maintain copies of all documents related to compliance with this section and ensure that authorized individuals maintain qualification requirements under this section.

**SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:
  - a. A law enforcement officer;
  - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
  - c. A competitor participating in an organized sport shooting event;
  - d. A gun or antique show;
  - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
  - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
  - g. A student and an instructor at a hunter safety class;
  - h. Private security personnel while on duty;
  - i. A state or federal park;
  - j. a publicly owned or operated rest area or restroom;
  - k. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
  - l. An individual i An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the

# Best choice

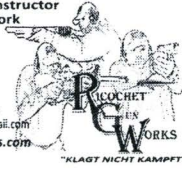
4 of 4

individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual;

- m. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient;
- n. An individual authorized to carry a concealed weapon on school property undersection 1 of this Act.

\*Certified Firearm Instructor  
\*Custom Firearm Work  
\*U.S. Army Retired

Paul Hamers  
P.O. Box 285  
Napoleon, ND 58561  
Phone: (701) 754-2680  
Email: ricochetgunworks@gmail.com  
www.ricochetgunworks.com



## RGW FIRST ARMED RESPONDER COURSE

**Rationale:** This course is intended to provide a concise program of instruction focused on preparation of the lone rural peace officer, rural school staff and administration, the off-duty peace officer, or a legally armed citizen to respond to emergencies involving building lockdown and active killer events. Particular attention is given to the legalities of aiding third parties in defense of self, treating injuries prior to the arrival of EMS, and interacting safely with responding on duty officers.

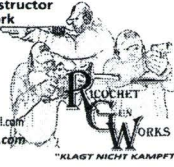
**Prerequisites:** Individuals are expected to have an above average level of firearms knowledge and proficiency prior to attending this course. All attendees must possess a Peace Officer's License or a current ND Class 1 Dangerous Weapon License and a letter of endorsement from their local school board.

**Grading:** Completion is not equivalent to graduation. Individuals will be evaluated throughout the First Armed Responder Course at several critical stages of training. These stages are referred to as gates. Failure to achieve course standards at each gate will result in immediate dismissal from the course.

- **Performance Counseling:** All attendees will be given daily written performance counseling identifying the individual's strengths and weaknesses pertaining to the day's training events. Areas with a need for improvement will be outlined along with remedial practice exercises assigned as out-of-class homework. Records of all counseling statements and graded events will be maintained in a confidential student file.
- **Student Attitude:** Any attendee's failure to take any aspect of training seriously or to apply effort to any assigned tasks or drills will result in immediate dismissal from the First Armed Responder Course for Lack of Motivation. Examples include, but are not limited to; failure to follow instructions, failure to complete homework assignments, tardiness for classes, and inappropriate behavior or language.
- **Homework:** Students will be given nightly assignments to be completed prior to the start of class the following morning. Failure to complete homework assignments will result in immediate dismissal from the course for Lack of Motivation.
- **Gate 1:** The morning of day one all individuals will demonstrate a rudimentary level of firearms proficiency by passing the ND Class 1 firearm proficiency test with a minimum passing score of 80% and the written exam with a minimum passing score of 100%.
- Failure to demonstrate safe firearm handling at any time throughout the week will result in immediate dismissal from the course.

\*Certified Firearm Instructor  
\*Custom Firearm Work  
\*U.S. Army Retired

Paul Homers  
P.O. Box 285  
Napoleon, ND 58561  
Phone: (701) 754-2680  
Email: ricochetgunworks@gmail.com  
www.ricochetgunworks.com



- Individuals must complete all formal written evaluations with a minimum passing score of 90%.
  - The force continuum and deadly force in the defense of others
  - First aid
  - The active killer history and known influences
  - Principles of personal protection
  - Concealed carry techniques
- Individuals must complete all practical evaluations with a minimum passing score of 90%.
  - Firearm proficiency tests
  - Discriminatory shooting tests
  - Firearm retention
  - Armed movement in crowds
  - Defensive and offensive tactics in response to armed intruders
  - Practical application of wound treatment
  - Practical demonstration of concealed carry techniques
- **Gate 2:** The morning of day three all individuals will requalify with a modified version of the ND Class 1 firearm proficiency test. The minimum passing score of 90% with no hits on non-threat targets.
- **Gate 3:** The morning of day five all individuals will be required to pass an extended stress inducing practical test titled RGW Active Killer Situation Stakes. The minimum passing score of 90% with no hits on non-threat targets is required on all scenarios.
- **Gate 4:** All students will complete a modified version of Range Master™ skills evaluation with a final score of 100 pts out of 120 and no hits on non-threat targets.
- **Gate 5:** The Federal Law Enforcement Training Center (FLETC) sidearm qualification must be passed at a level of 90% or higher.
- **Completion is not equivalent to graduation.** All attendees that are present on day five of training will receive a completion certificate. All licensed Peace Officers will have continuing education credits reported to ND POST for actual hours completed regardless of graduation/completion status.



Example

Page 1

**RGW First Armed Responder Course**

admin@ricochetgunworks.com

Napoleon, North Dakota

**MEDICAL VERIFICATION OF PHYSICAL ABILITY**

This form is designed to assist in determining whether a student is physically able to perform the duties of a First Armed Responder in an educational environment and complete the required activities in the training and certification course for first armed responders. This form is a required part of the approval process to attend training in the First armed Responder course. Unless this form is signed by the student's physician and submitted with the application, a student will not be allowed to participate in the First Armed Responder Course.

**Student Information**

Name: \_\_\_\_\_

First

MI

Last

School District / School Name \_\_\_\_\_

I hereby request and authorize my examining physician to release the information contained in this form. I further agree to release and hold harmless my examining physician from any and all liability that might arise from the disclosure of such information.

\_\_\_\_\_

\_\_\_\_\_

Student Signature

Date

**Examining Physician Information**

Name: \_\_\_\_\_

First

MI

Last

Type of Medical Practice: \_\_\_\_\_

Area of Specialization: \_\_\_\_\_

Professional Credentials (Licenses, Certifications, Etc.): \_\_\_\_\_

\_\_\_\_\_

Contact Information:

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

### Physical Requirements for Practical Exercises

Students will be required to react to realistic scenarios involving simulated physical and weapon attacks in which they are expected to resist and grapple with other students. Students will use training weapons, including firearms. During scenarios students may be required to run, crouch, crawl, kneel and fire handguns from various positions. Required movements will include kneeling and standing for prolonged periods of time, and reaction to spontaneous threat situations with firearms skills that have already been taught. Scenarios will require sudden stops, starts and turns on hard surfaces. Scenarios may occur in all environments, such as inclement weather, hard surfaces, or stairwells.

### Physical Requirements of Firearms Training

Successful completion of firearms training is required for certification as First Armed Responder. Firearm training consists of intense live-fire exercises and dry-fire drills. As part of the training, each student must shoot a qualifying score with their firearm. Successful firearms training requires the requisite fine motor skills to safely manipulate and shoot loaded firearms with both dominant and non-dominant hands and fingers. Most shooting is done with the dominant hand. Students must successfully and safely manipulate trigger pulls of varying weight and physically support a loaded firearm from a variety of shooting stances and positions. Students are required to shoot from a standing, kneeling, and prone position and perform numerous repetitions transitioning from a standing to kneeling position while safely holding a loaded firearm. Training movements require students to move forward, backward and laterally, be able to see and identify hostile and non-hostile targets in various lighting conditions, and simulate high risk scenarios that include running, and tactical movements such as kneeling, crouching, and crawling. Students must have the ability to hear range commands while wearing hearing protection (ear plugs or ear muffs).

### Examining Physician Certification

After examining the student listed in Box 1 of this form and reviewing the training requirements listed in Box 4 through Box 8 of this form, based on my education, training and experience, it is my opinion that the student has no medical or physical condition that would prevent the student from completing the physical requirements of the Basic Certification program and perform the duties of a law enforcement officer.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Example

RGW First Armed Responder Course  
admin@ricochetgunworks.com  
Napoleon, North Dakota  
Individual application for Training

MINIMUM STANDARDS: The school board may submit an individual only if the person meets the following requirements::

- a. Is a citizen of the United States;
- b. Is at least 21 years of age at time of appointment;
- c. Is of good moral character;
- d. Is a graduate of an accredited high school or has a high school equivalency certificate
- e. Is examined by a licensed physician who certifies that the applicant is able to perform the duties of a first armed responder
- f. Is interviewed in person by the school board or its designee and approved by the school board to apply to the First Armed Responder Course.
- g. The chief law enforcement officer in the school district has conducted a local records check and given written approval. Disapprovals shall be detailed in writing.
- h. Has no criminal history of unlawfully use of prescription drugs, recreational drugs, controlled substances or alcohol related offenses within the previous 10 years.
- i. Possesses and maintains a valid North Dakota Class 1 concealed weapons permit.

GENERAL INSTRUCTIONS: Type or hand print an answer to every question. If question does not apply to you, so state with N/A. If space available is insufficient, use a separate sheet and precede each answer with the number of the referenced question.

DO NOT MISSTATE OR OMIT material fact since the statements made herein are subject to verification to determine your qualifications for training, or certification. Any misstatement or omission can be used as grounds to deny your application and/or revoke or suspend any subsequent certification.

1. SCHOOL DISTRICT \_\_\_\_\_

2. NAME \_\_\_\_\_

FIRST MIDDLE LAST

3. GENDER \_\_\_\_\_ 5. SSN \_\_\_\_\_

6. CURRENT PHYSICAL ADDRESS

STREET \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

7. DATE OF BIRTH (month, day, year) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

8. PLACE OF BIRTH

CITY \_\_\_\_\_ STATE \_\_\_\_\_

9. TELEPHONE / EMAIL \_\_\_\_\_

~~21~~ 23

# Example

RGW First Armed Responder Course  
admin@ricochetgunworks.com  
Napoleon, North Dakota  
Individual application for Training

I certify that there are no misrepresentations, omissions, or falsifications in the foregoing statements and answers, and that the entries made by me above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

I further agree and consent in advance to being summarily discharged without cause or hearing if any of the above information contains any misrepresentations of falsification or if any material information has been omitted.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
DATE

I certify the applicant was selected according to the North Dakota NDCC Title 62 governing First Armed Responders in Schools and to the best of my knowledge meets all of the requirements of this program.

Application approved by:

\_\_\_\_\_  
School Official

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LEO Conducting Local Records Check

\_\_\_\_\_  
DATE

Document check list for submission to Law Enforcement Training (submit all original documents):

- Medical Verification of Physical Ability
- School Board Official Approval
- Photocopy of Current ND Class 1 Concealed Carry Permit
- Photocopy of Current ND Driver's license
- Signature of Chief Law Enforcement Officer or Designee Conducting Local Records Check
- Photocopy of Local Records check results

January 25, 2017

RE: House Bill No. 1310

Chairman Porter, Vice Chair Damschen and members of the House committee on Energy and Natural Resources. I write to comment on House Bill No. 1310 and school safety/security as it relates to active killer events.

I am a pilot with American Airlines. (My views are my own and I do not represent American Airlines.) I also serve as a director with the FASTER Saves Lives program. FASTER is an acronym for Faculty/Administrator Safety Training and Emergency Response. In response to the massacre at Sandy Hook Elementary school we worked with our nations experts to improve school response to active killer events. We have trained over 750 people from 194 school districts in eight states. The program trains school staff, police, and medical personal to better respond to active killer events.

As a father, I want the best for my children. I think every parent wants the same for their children. We studied from many of our nations experts to find the best solutions to violence. The FASTER Saves Lives program was designed by John Benner of Tactical Defense Institute (tdiohio.com). Mr. Benner is a Vietnam Veteran and career law enforcement officer. He started and commanded the first multijurisdictional SWAT team and trained the trainers for NASRO (National Association of School Resource Officers) on a national level for a decade. I know of no one with more experience and knowledge on the topic of active killers in our schools than Mr. Benner.

The idea of training school staff came out of his work training SROs. They could not find a way to significantly reduce the death toll with a police response. Police simply can't solve a problem when they are not there, and there is no way (excepting luck) to get them on scene the moment they are needed.

The majority of active killer events are stopped by non-law-enforcement. It is because they are there as the event happens. The killing is usually over before law enforcement arrives. This is part of the killers plan. Police would love to be there to help, but it's not possible given the timeline of these events. This is why we need to train and equip those who are there (school staff) to act; to end the violence.

There have been several events in Ohio to highlight the value of trained and armed staff members. In one school students were planning a killing. The plan included taking out the former SRO first, "knowing" that he was the only one who could stop them. Thankfully a mother contacted police and the event never happened, but law enforcement believes their plan would have been successful if the SRO were the only armed responder. The criminals didn't know that multiple other staff members had also been trained and were carrying firearms. Police believe that these staff members would have stopped the killers upon entry given the details of the killer's plan and the staff members' placement in the building.

In another instance a mother requested a principal come to her home to assist with a student who was refusing to attend school. An older brother (unknown to the principal) became irate and violent. When the principal tried to leave the brother tried to run him over with a vehicle. When that failed an AR style rifle was aimed at the principal. The principal drew his handgun as the mother stepped between them. This was clearly a lethal threat situation with escalating violence. It ended peacefully because the principal was trained and armed. This is the ultimate success – the child who did not need to be shot – who can get the help he needed. This is the power of good people who are properly trained.

When we started, many in the legislature and law-enforcement wanted to draft rules and training similar to current language in House Bill No. 1310. Before it could be enacted we were already working with many schools under existing law and the legislature was persuaded by schools to allow local control

instead of top down directives on policy and training. In hindsight, the many local ideas we have seen adopted are far superior to the proposed legislation. Over time schools continue to improve their policy and preparedness because they are in charge.

The problem we see with most law-enforcement training is that it is designed by law enforcement, for law enforcement, to deal with criminals. It's great for its intended purpose and audience, but is not optimal for non-law-enforcement dealing with active killer events. Active killers generally do not have criminal pasts, don't exhibit "criminal indicators" and have very different behaviors that dictates a different response for maximum effectiveness.

While everyone agrees that training is important, and more/better training is desired, mandating excess training will lead to less safe schools. Training is not a target that is attained; it is a lifelong dedication to improvement. Working with local law enforcement is ideal, but it is not any more proper for law-enforcement to dictate policy to schools than it is for schools to dictate policy to law-enforcement. They can help each other, but they are both best suited to deal with their own unique areas of expertise.

Our training includes mindset, shooting skills, and tactics. It includes force on force training and a requirement to pass Ohio's law enforcement qualification, but to a higher standard. It includes trauma care for the injured. It also includes weapon retention and interaction with responding law enforcement.

Our training DOES NOT include body searching or handcuffing. It is not a replacement for law-enforcement, SROs or EMTs. It recognizes the school's duty to protect their staff and students and trains select individuals to stop the killing, treat the injured, and transfer the scene to law enforcement. We have heard from law enforcement/trainers/schools in multiple states that our program is the best they have found. We are honored to share what we have learned to help everyone make their school safer.

I have attached Ohio law for your reference. In our experience, it has worked exceeding well.

I thank you for your dedication to better protect our school children. I am available to answer any questions the committee and interested parties have.

James Irvine

2

3/14/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1310

Page 1, line 2, remove "the creation of a pilot program to allow"

Page 1, line 3, after the semicolon insert "and"

Page 1, line 5, remove "; to provide for a report to the legislative"

Page 1, line 6, remove "management; and to provide an expiration date"

Page 1, line 10, remove " - Pilot "

Page 1, line 11, remove "**program - Reports to legislative management**"

Page 1, remove lines 12 through 24

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 22 with:

1. The governing body of a private school or the school board of a public school may authorize an individual to carry a firearm concealed on school property.
2. Consideration of approval for an individual to carry a firearm concealed under this section must be conducted during an executive session of the school board or governing body. Any record or information considered or discussed at the executive session is a confidential record.
3. If the governing body or school board authorizes an individual to carry a firearm concealed, the governing body or school board shall inform local law enforcement, in writing, of the name of the authorized individual, and the law enforcement agency shall maintain the record of the authorized individual as confidential. Any other record provided by the individual to the school, school board, governing body, or law enforcement agency as part of the authorization process under this section is an exempt record.
4. The school board or governing body shall identify a posttraumatic stress disorder treatment provider for authorized first armed responders.
5. The governing body or school board may delegate authority to act under this section, in writing, to the principal, superintendent, or other school official.
6. The individual authorized to carry a firearm concealed:
  - a. Must be a United States citizen;
  - b. Must be at least twenty-one years old at the time of authorization;
  - c. Must have good moral character as determined by the school board or governing body;

- d. Must be a graduate of an accredited high school, or have a high school equivalency certificate;
  - e. Must be examined by a licensed physician who certifies the individual as being able to perform the duties of a first armed responder;
  - f. Must be interviewed in person and approved by the governing body, school board, or its designee to attend a first armed responder training course;
  - g. Shall attend annual training and recertification consisting of a minimum of ten hours of instruction and pass a skills evaluation assessment based on the final test results of the first armed responder course under subsection 7;
  - h. Must pass a criminal background check conducted by the law enforcement agency with jurisdiction over the school district where the individual will serve as a first armed responder;
  - i. Must have no criminal history of the use of prescription drugs, recreational drugs, controlled substances, or alcohol related offenses in the previous ten years;
  - j. Must possess and maintain a valid class 1 concealed weapons permit; and
  - k. Shall cooperate in training with local law enforcement agencies for school emergencies to provide a coordinated response to building lockdown and active killer events.
7. An individual authorized as a first armed responder shall attend a North Dakota peace officer standards and training approved course consisting of forty hours of instruction in the following areas:
- a. The legal considerations related to the force continuum;
  - b. Deadly force in the defense of others;
  - c. Firearm proficiency;
  - d. Target identification and discriminatory use of force;
  - e. Weapon retention;
  - f. Concealed carry techniques;
  - g. Defense tactics, techniques, and procedures in response to school lockdown and active killer events;
  - h. Force on force interaction with active killers;
  - i. Armed movements in crowds;
  - j. First aid for the treatment of gunshot wounds; and
  - k. Techniques for interacting with law enforcement officers responding to school emergencies.
8. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the individual at all times.



9. Any use of force under this section must comply with chapter 12.1-05.
10. The governing body, school board, or its designee may suspend or permanently revoke the authorization of an individual to carry a firearm concealed on school premises at any time for any reason.
11. A school, school board, governing body, and any public or private training provider recognized by the North Dakota peace officer standards and training board are immune from civil liability for any acts or omissions made by an authorized individual during the performance, administration, or implementation of any services or programs authorized under this section. An individual authorized to carry a firearm concealed under this section is immune from civil liability to the extent allowed under section 12.1-05-07.2.
12. The governing body or the school board shall administer this section.
  - a. The training provider under subsection 7 shall provide a first armed responder application packet to the governing body or school board upon request. The application packet must contain a checklist for compliance with this section, suggested interview questions for potential first armed responders, an authorization form, a fingerprint card, a recommendation form for the law enforcement agency with jurisdiction over the school district at which the individual will serve as a first armed responder, a physical health reporting form, a medical history form, and an emergency contact information form.
  - b. All application and training records are confidential records.
  - c. The governing body or school board shall maintain copies of all documentation related to compliance of this section and ensure the authorized individuals maintain qualification requirements under this section."

Renumber accordingly

3

HB 1310

3/14/17



Great Public Schools

Great Public Service

*Testimony before the Senate Judiciary Committee  
HB 1310  
March 14, 2017*

Good afternoon, Chairman Armstrong and members of the Committee. For the record, my name is Nick Archuleta and I am the president of North Dakota United.

On behalf of our 11,500 members, I rise today in opposition to HB 1310. North Dakota United shares Rep. Kiefert's desire to keep our kids as safe from harm as possible. Our dedicated teachers and education support professionals endeavor to do so every single day. Our educators, staff and administrators take student safety very seriously and coordinate trainings with local law enforcement to be as certain as possible that they are employing the most effective techniques available to achieve their goals.

Mr. Chairman, I realize that this HB 1310 now is superior to the bill when it was first presented. However, the teacher members of NDU remain adamant in their opposition to allowing guns in schools; except those under the exclusive control of well-trained School Resource Officers (SROs). In a poll conducted by DFM Research in August of 2015, our members supported their school district's use of School Resource Officers 51 percent to 41 percent, with the rest undecided. Our members opposed having teachers or other school employees with guns, 72 percent to 21 percent, with the remainder undecided.

The citizens of North Dakota are by and large in agreement with their community's teachers. In that same poll, North Dakotans were asked their views of guns in school. By a margin of 56 percent to 36 percent with 8 percent undecided, North Dakotans supported armed School Resource Officers in schools. On the matter of having other school employees armed in schools, 62 percent opposed the idea, 31 percent supported it and 7 percent were undecided.

Our opposition to HB 1310 is based on the following concerns:

1. Non-law enforcement personnel will still be allowed to carry concealed in schools and the parents of students may not know who the individual is.
2. The issue of liability and insurance. HB 1310 does nothing to shield a first armed responder from a federal civil rights law suit. And, we still have concerns about the affordability of insurance for school districts that employ a first armed responder.
3. Law enforcement has testified that it will not train people who are not law enforcement officers, which something that HB 1310 calls for.

4. The bill says the plans submitted must stipulate training in accordance with the South Dakota School Sentinel Program. What if SD changes their plan? Does it automatically trigger a change in the NDCC relative to this legislation? By the way, the specifics of the SD training plan are not spelled out anywhere in this legislation.

5. There was no testimony on the House side in favor of this legislation from any school district in the state. The only testimony offered by school districts was against HB 1310.

At ND United, we understand that this legislation is permissive in that it does not require that school districts hire someone to carry a loaded weapon in their schools. We oppose HB 1310 because we believe that local school districts already have and will continue to have the ability to contract with local law enforcement agencies to provide professional law enforcement personnel to serve as SROs in their schools, an idea supported by our members and the public.

Frankly, there are other avenues to increase school safety missing from this bill that may actually have a greater impact than armed school employees.

Perhaps our state should consider providing:

1. School Safety Improvement Grants to remodel and reconfigure schools to make them physically safer places;
2. School Safety Improvement grants to fund highly trained school resource officers in the schools that request them;
3. Funding and a commitment to hire more school counselors and social workers who are trained to recognize the signs of distress that those inclined to violence may exhibit.
4. Funding and a commitment to make substantial and necessary investments in mental health services.

Mr. Chairman, these four common sense proposals will go a long way to mitigate the chances of a catastrophic event in our schools. We all want to keep our kids safe. But simply arming an individual and putting them in a school is a simplistic, unproven and potentially dangerous plan to do so.

For this reason, Mr. Chairman and members of the Committee, I urge you to return a DO NOT PASS recommendation on HB 1310.

3/14/17

Charles Woock

(4)

HB 1310

HB 1310 outline Senate

Good Afternoon

Biography: Retired military officer, High school teacher, CCW class 1, IDPA safety officer, NRA instructor, marksmanship competitor in USPSA and IDPA.

1. I originally supported HB 1310, but absolutely cannot support the current version. The original bill may not have been perfect, but it was far better than nonsense we have now. I am going to be blunt and to the point.
2. The original bill was carefully researched and written to increase safety and security and provide...
  - a. Real options for rural districts. We need REAL solutions that will work if the need arises!!!
  - b. Specific, precise, state-wide training and evaluation standards at a very high level of skill and ability.
  - c. It is not about guns! **IT IS ABOUT SECURITY!!!** Don't let the media and the hype fool you.
  - d. School board members the opportunity to debate a simple question, do we want this level of security. AND, the original bill provided a clear path to accomplish that goal.
3. The current version is flawed in MANY ways, and appears to be written as a self fulfilling prophecy of failure as I will illustrate.
4. Read Page 1, lines 4 – 10: It creates a pilot program with no stated objectives, no essential questions, and no specific measureable outcomes. By their very nature, pilot programs are implemented to answer specific questions like measure the cost, validate training, test an implementation program, or test solutions for effectiveness, etc. NONE are included in this bill. Here is the bottom line. Why make it a pilot program? What purpose does it serve? How will it help? How will it help us make a better decision next biennium? (rhetorical)
5. Page 4, para 1, line 7 – 9: DPI is not an expert agency for safety and security, yet they are responsible for evaluating and approving safety, security and training plans that include extremely high skilled use of firearms and discriminatory practices. Really? Are they the best government agency, with the most experience in this area? NO. Without question, BCI or POST is a better organization for this task.
  - a. Who in this state is the experienced, firearms training and security expert? BCI or POST.
  - b. Who is qualified to observe and evaluate firearms and security training? BCI or POST.
  - c. Who is the top law enforcement department in the state? BCI!
  - d. How on earth is DPI qualified to "approve and evaluate" (line 8) proposals dealing with security and firearms training? They aren't!
  - e. Why not put DPI in charge of the CCW program? For the same reason they should not be in charge of the First Armed Responder (FAR) program.
  - f. This is like mandating a nonathletic teacher who never played basketball to be the varsity basketball coach. It does not make any sense.
6. Read Page 4, para 2, line 10 - 22: DPI is NOT currently, in any way, involved in school safety and security programs. Call them up. Ask them, when was the last time your agency conducted a school

safety, security and threat assessment? Who in your agency is responsible for school safety and emergency plans and reviews? They are not the experts in this area.

- a. **Read** subpara a: Confidential or open records? Just identify or report to DPI? What exactly is the true purpose of this paragraph? Can the board require participation or is it by volunteer only?
  - b. **Read** subpara b: This will produce ten different training and implementation plans! What information, exactly, are we asking for and why not be specific? Is the school board responsible for developing some sort of training plan in addition to that specified in paragraph 4 (more on that in a minute)? The original bill specified all necessary training for a First Armed Responder (FAR). Why was it removed from the amendment? It appears this is an attempt to make participation less clear and more difficult. If we want school boards to develop the training plan, then we are asking them to do a task they are not equipped to perform. They are likely not the experts at that sort of thing. So again I ask why did we strip a state-wide, uniform, high standard training program out of the original bill and replace it with this vague, ambiguous, and elusive wording?
  - c. **Read** Subpara c: There is no such thing as a “comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.” IF there was an assessment of this kind, it would be conducted by specially trained law enforcement or a private security consultant, because they are the experts in this area, not DPI.
    - i. Call DPI and ask them who, in their office does this assessment.
    - ii. At this stage it seems pretty clear we are just making things up.
7. **Read** Page 4, para 3, lined 23: It is clear NOBODY did any research on this topic before attaching the failed South Dakota Sentinel Program to this bill. Or maybe they did??? Why not reference a successful program like Ohio’s FAST program? Why use a vague reference to another state program when a specific training program with high standards was outlined in the original bill? Do we want our program to fail?
- a. SD trained 1 person, from one district in over three years. A phone call to the head instructor showed that this 10 year veteran of the academy had no idea what the sentinel training program was about. Call them and ask for yourself.
  - b. Ohio has armed school staff in 175 districts.
  - c. The training and evaluation program in the original bill was carefully researched and included all the major topics from SD and Ohio. If only someone had researched the topic before eliminating the original bill. This is embarrassing.
  - d. There are 24 states with armed personnel in schools according to the NRA. Why didn’t the authors of the amendment do some research and find the shining example of the safest and most successful program?
8. **Read** Page 4, para 4, sub a. “must be a retired law enforcement officer **or** meet the requirements of subsection 3;” Subsection 3 is the vague training program just discussed.
- a. Why are we specifying “retired” law enforcement officer and why would we not require them to go through the same training?
  - b. **ALL** PERSONELL should have to attend the First Armed Responder (FAR) training program.

9. Police firearms qualification versus the FAR qualification found in the POST approved program
- I have the utmost respect for the police, what they do..... Don't twist my words or take my meaning out of context!!
  - Their training is specific for the job they have to do, which is...
  - The average officer is **NOT** an expert at responding to a threat in a school environment. They are not trained for that. Call the academy or a rural sheriff's office and ask them about their annual active shooter training requirement. Call and ask. SWAT officers are trained though!
  - Police – annual firearms training requirement. POST standards, but customized by department
  - SD? What are their standards? Does anyone know?

10. Page 5, para 4, Continued

- Read** sub d: If only the author of the amendment had done some research. Teachers and concealed carry permit holders already go through a finger print security screening through the FBI and/or BCI. If the person has already passed an FBI/BCI finger print security check, why are we mandating local law enforcement approval? Could it be that we are simply requiring more red tape? In paragraph 5, we are already notifying local law enforcement of the name(s) of the individual authorized as the First Armed Responder. More hoops to jump through!
- Read** Sub e: Was any research done? No! CCW class 2 already requires age 21. Are they trying to specify the minimum educational requirements as if this was a job at a fast food restaurant?
- Read** Sub g: Research? What "safety training and emergency response program". What exactly is this? Who is responsible for this training? What are the details of this training? Where is this training conducted? This is just another vague hoop to jump through, presumably to make it difficult for school boards to use the program. Why is this training not already covered in the horrible training program listed in paragraph 3?
- Read** Sub I: Finally, one of the few elements found in the original bill. The candidate must possess a Class 1 permit from ND. If the author of this amendment fully understood the requirements of a Class 1 permit, they would not have written all the other garbage to clutter up compliance. I would be embarrassed.

11. **Read** Page 5, para 5: Uses language specified in the original bill but does not protect the individual privacy by specifying confidentiality, which means his or her name would be open to public records, which defeats the purpose. If a person did have the ability and desire to protect their students, the very absence of confidentiality would likely prevent them from volunteering. They would not want to be a target to liberal and social media backlash. This is proof of designed failure.

12. **Read** Page 5, para 6: There is a contradiction in the wording. Paragraph 2 on page 4 references "the school shall" where this paragraph references the "school board or governing body". Why the inconsistency? Isn't the person already selected in paragraph 2a?

13. **Read** Page 6, para 7 & 8: I support these two items fully. The question is why didn't they just add this to the previous bill?

This is OHIO (C)  
Training Program

Ohio  
buckeyefirearms.org

fastersaveslives.org

14. **Read** Page 6, para 9: This is completely ill-conceived by a person with no experience in research or pilot programs. As mentioned earlier, what objectives, what essential questions, what measurable criteria????? AND Is DPI really the security and firearms training expert with the necessary experience to evaluate this data that doesn't really exist? NO

- a. This is just another vague hoop to jump through requiring a group of people to evaluate something which they are not properly trained or experienced to do.
- b. "...shall provide periodic reports.." What exactly, how often, monthly, quarterly, what??? Again, what are the essential questions that we wish to answer and for what purpose are the questions posed?

15. In closing: I have been harsh and blunt.

- a. I can tell you from a lifetime of experience with firearms and training programs, I know exactly the skills and abilities required of a person I would trust to protect my family. This bill does not even come close!
- b. Before you do anything with this bill, I beg you to watch the 3 hour and 20 minute Youtube video by Dave Gross called Warrior Mindset (Search Youtube "Dave Grossman Warrior Mindset") I believe it is your duty to be fully informed and that includes this video. It is worth every second!!
  - i. Internationally recognized trainer and counselor!!
- c. This discussion is not about guns!!! It is about real solutions to real threats. If this bill is the best we can come up with then we have buried our heads in the sand of denial and propaganda. We should continue to pray every day that our luck holds out and nothing happens.
- d. The amendment to this bill is a tragedy that will not accomplish the goal of making schools safer. It removes a state-wide uniform training and evaluation requirement and is a self fulfilling prophecy of failure.
- e. Here we sit in our glass house, surrounded by armed guards, passing judgment on others, denying them the same level of protection.

**TESTIMONY OF MICHAEL J. GEIERMANN**  
**IN OPPOSITION TO ENGROSSED HB 1310**

Good afternoon Chairman Armstrong and members of Senate Judiciary Committee. My name is Michael J. Geiermann. I serve as general legal counsel for North Dakota United and have had the privilege of representing teachers in the State of North Dakota since 1987. I appear before you today in opposition to Engrossed House Bill 1310. Beyond representing teachers and public employees, I also have represented individual members of the North Dakota Fraternal Order of Police who have been involved in officer involved shootings. Since 2001, I have represented and advised approximately 30 officers who have been involved in officer involved shootings in North Dakota. Based upon my experience, there is nothing in the life of a law enforcement officer which is more stressful, traumatic and life-changing than being involved in an incident which requires them to discharge their weapon at another human being. This Bill puts an ill-equipped, ill-trained novice in the same situation as a highly trained, highly competent, highly experienced law enforcement officer. This Bill does not reduce the risk of the occurrence of school shooters for children, teachers and school district employees. Rather, it increases it.

Everyone is in favor of protecting school children and teachers from the school shooting tragedies that have taken place throughout the country. This Bill does not accomplish that purpose.

In my opinion, the Bill is flawed in the following ways:

1. Page 2, lines 4-6 – this section ties the Bill to the South Dakota School Sentinel program. I have reviewed that program. There are only 80 hours of instruction for the person in South Dakota who wishes to be a school



sentinel. I would suggest to you that that is not enough time to become trained in dealing with a situation which, from a stress perspective, is second only to combat. Tying a piece of North Dakota legislation to a law in South Dakota which is subject to change is ill-advised. Lastly, who is going to conduct the training of the individual? Most law enforcement officers I have talked to are not in favor of taking the time and energy required to train applicants under this law who may simply get in the way of law enforcement if they are called to the situation.

2. Page 2, lines 9-10 – under this provision, the individual who is selected to become a first armed responder must either be a retired law enforcement officer or meet the requirements of subsection 3. This provision runs the gamut of finding a highly experienced law enforcement officer or a complete novice who has received 80 hours of training. From a policy perspective, it would be more advisable to find the most experienced person available for this position. I would suggest to you that someone who has received 80 hours of training is not that person.
3. Page 3, lines 2-5 – pursuant to this provision, the school board shall inform local law enforcement in writing of the name of the authorized individual who participates in the program. While that is certainly an excellent idea, it falls short of the required notice and knowledge needed to have a first armed responder in a school in an active shooting situation. All staff, including teachers and classified staff, need to know the identity of the first armed responder. They need to know that the individual in the hallway with a gun is on their side and is not the shooter. Therefore, the Bill needs to be amended to make sure all teachers and staff know the identity of the first armed responder.
4. In researching the issue, I came across a document that was jointly authored by the US Department of Education, US Department of Health and Human Services, Homeland Security Justice, the FBI and FEMA. In that document entitled “Guide for Developing High-Quality School Emergency Operation Plans”, they set forth a very detailed team approach to active shooter situations in which all stakeholders are involved in the process including teachers and parents. It does not appear those groups are necessarily included in this bill draft. However, far more importantly was the statement in the Guide which states as follows: “Further, the possibility of an active shooter situation is not justification for the presence of fire arms on campus in the hands of personnel other than law enforcement officers.” Therefore, the highest law enforcement agency in the country recommends against guns in schools other than in the hands of law enforcement. Law enforcement officers are the best trained, best equipped and best individuals to deal with active shooter situations.
5. In representing officers who have been involved in stopping an active shooter, those officers use specific tactics to find and confront the active shooter. I have discussed with them in detail the amount and quality of information they receive about the active shooter and the situation that has developed. Officers communicate with each other and through

dispatch to gather as much information as they possibly can in regard to the active shooter. The first armed responder in this Bill will have none of that information. They will not be able to communicate or coordinate with law enforcement who arrive on the scene simply because they do not have the technology available to them for that communication. In addition, law enforcement may not have an accurate description of the first armed responder upon arriving at the scene. Law enforcement will assume that anyone at the scene who is armed is the active shooter, and not the first armed responder. This places law enforcement in jeopardy as well. Law enforcement will be faced with a situation where there may be multiple people with guns, a lack of accurate information, and a lack of proper identification as to the active shooter. These situations can become very confusing and dangerous for students, teachers, school district employees and law enforcement.

As you have heard today, there are much more efficient ways of dealing with this issue than placing armed, ill-trained, and wholly inexperienced individuals in a situation which is the most stressful and traumatic to highly trained and experienced law enforcement officers. I would ask this committee give a Do Not Pass recommendation to House Bill 1310.

3/14/17

6

**House Bill No. 1310**

**Testimony in Opposition**

**North Dakota Council of Educational Leaders**

Good Morning Chairman Armstrong, Vice Chair Larson, and members of the Senate Judiciary Committee. For the record my name is Russ Ziegler, the assistant director at the North Dakota Council of Educational Leaders. The North Dakota Council of Educational Leaders is the umbrella organization in the state of North Dakota that represents school district superintendents, principals, activities directors, business managers, technology leaders, and other educational leaders across the state. Thank you for the opportunity to testify in opposition to House Bill 1310.

During this hearing, you will hear more specific testimony about teachers and administrators not liking the idea of school staff to be armed in school. You will also hear about parents not wanting school staff to be armed in school. Now I would like to talk about something that I haven't heard brought up before with this discussion. I would like to present you with a scenario keeping in mind that most school shooters are minors and students of the school:

You are the social studies teacher in a small rural high school. There are 150 students in your school in grades 7 – 12. The fourth period tardy bell just rang and you are starting your instruction. The students and you hear what seemed to be gun shots coming from another area of the school. You are the teacher that applied for and received the authority to carry a concealed weapon in school for the school's protection. You have gone through all of the mandated training and testing. You walk down the hall and take a left, going towards the screaming. Take a right and in the cafeteria, you see Johnny standing there holding a pistol, and he has a rifle slung over his shoulder. You had Johnny in junior History just 10 minutes earlier. You know Johnny's parents and you even know his grandparents. Johnny had an older brother that graduated last year, and a little sister in the 6<sup>th</sup> grade. He is a good kid but just didn't fit in with the others. No matter what Johnny has tried to do, participate in sports, music, etc... he just didn't fit in and was the butt of numerous jokes. Then you notice Sally and Sam lying on the floor in pools of blood, and then the other students in the cafeteria, white with fear staring at Johnny. (This all happens in under a minute) What do you do?

Before my life as an educator I was in the military, the United States Marine Corps. If there are any veterans present, thank you for your service! Has there been a discussion of the psychological effects on someone who has to shoot another person? I know this discussion is happening (not enough) in the military, but has this discussion been discussed for this bill? In the military you go through intense training in self-defense and the use of weapons. You are also trained to take someone's life. However, that life is always someone you don't know. That is the understanding when you join, teachers however did not go into the profession thinking they might have to take a life, let alone a life of one of their students. Now, back to the scenario.

What was your decision? Shoot Johnny? That is the reason you were trained and the reason your school board choose to have a teacher in the school with a concealed weapon. You were chosen to be that individual and you must fulfill that duty! You draw your weapon and shoot hitting Johnny and killing him instantly. Now what? How do you feel? How are you going to face Johnny's family again? What about your psychological effects of taking a life, let alone a life of an individual you know? Andrew Pomerantz, the Chief of mental health services for the VA in Vermont stated: "you take somebody off the street who spent their whole life learning not to kill other people, not to harm other people and put them in a situation where it's his job to kill somebody else. I've not ever met a person who killed others who was not affected by that." He stated that when talking about solders coming home after wars. The military does a great job of dehumanizing the enemy to make it possible for people to kill. In a school, you personally know the "enemy" you know their family, their background. Lt. Colonel David Grossman, U.S. Army Retired talked about what happens to people when they are faced with a difficult decision and you must kill. Lt. Colonel Grossman states: "At the moment when you want to fire, the forebrain is shut down, the midbrain takes over, and you slam head-on into a resistance to killing your own

kind. The only way to overcome that resistance is through operate conditioning, to make killing a condition reflex.” The military does that, that is exactly what they must do. However how much training would a teacher need, in order to do that? Another outcome would be you shoot and accidentally kill a different student. Your bullet goes past Johnny and strikes Billy. Studies have shown that the average “hit” rates during gunfights was just 18%. When the suspects did not return fire, the hit rate rises to 30%. These are the hit rates from trained individuals who know that killing someone is a possibility in their occupation. What will be psychological effects? It is really easy to say, “I could do that, I could take someone’s life” but if you were never put in the situation how do you really know? Which leads me to the second choice.

You choose not to shoot or your body chooses not to shoot for you. Now Johnny, could shoot more students, teachers, even you. You are standing there and you couldn’t do anything, you froze. What will your mental state be afterwards? What do you say to the parents of the kids you couldn’t save? How long would a person be haunted with this outcome? Again, teachers and administrators do not go into the profession with these thoughts on their mind. I also believe there is a third situation that might happen. That is what if you are the one chosen to protect the school and you are out the day a shooting happens? You were the only one authorized to carry a weapon and you weren’t there. Those kids died because you were not there to protect them. How would an individual deal with that psychological trauma? Another question that came to me while I was researching this is that the authorized teacher had to leave their class alone during this traumatic experience. What if there were two shooters and you left your class in one direction and the other shooter came and attacked your class?

Please do not equate my statements to mean that I am against protecting our kids. I do know that there are a lot of “what if” comments to my testimony. However, I also believe that

this bill is the result of “what if” situations. Also please remember that this bill was not requested by schools or law enforcement. This is a strictly legislative driven bill. As a teacher and administrator, the highest priority on my mind was student safety. That is the same with the North Dakota Council of Education Leaders. We know the dangers and we want to do everything that we can to protect our kids, and I say OUR kids literally. We just feel that it should not be a school staff member. We are not opposed to have licensed, professional law enforcement officers in schools! They are the ones with the training, expertise, and also know how to defuse a volatile situation. You may ask, what is the solution? Well, in a perfect world, we would want to identify these kids before they do anything. That is why we firmly believe in working hand in hand with professionals in the mental health field. The mental health issue is bigger than schools, it is a school, community, county, state and national issue. All entities need to start communicating and working together to help these individuals. To identify the people that need help, be able to get them the help they need, and support them through their therapy and after. Because of this testimony and the testimony of others in opposition we respectfully request a do not pass on HB 1310.

HB 1310

7

3/14/17

Testimony

House Bill 1310

Possession of concealed weapon – First armed responder in schools.

By Frank Schill

Superintendent of Edmore Public School

Chairman Armstrong and Members of the North Dakota Senate Judiciary Committee:

My name is Frank Schill, Superintendent of Edmore Public School and a board member of the North Dakota Small Organized Schools (NDSOS). I am here to testify against HB 1310 which would allow an individual with a concealed weapons permit to carry a concealed firearm on school property.

Although I am opposed to HB1310 I believe discussion related to providing defense in a K12 school environment, especially in rural communities, needs to occur.

As the superintendent of Edmore Public School, the nearest law enforcement personnel are at least 30 minutes away from our school. Statistics relating to the duration of school shooting incidents reveal that if a shooting occurred at Edmore public school, the damage would be done long before law enforcement would arrive on the scene to offer any assistance.

If the intent of the legislation is to allow conceal and carry in schools then I would urge that a comprehensive approach be implemented involving the present legislation that requires annual mental health training for teachers, but add active reaction training for staff and students to respond to an armed intruder, in addition to the proposed conceal and carry bill.

HB1310 has been amended to designate pilot schools to test run the details of the legislation. I would suggest the following amendment be added to the present bill that would require participating districts to adopt more aggressive response training for staff and students. At the present time the majority of school districts in North Dakota utilize "lockdown" only. Other training programs such as A.L.I.C.E. (alert, lockdown, inform, counter, evacuate), Run, Hide, Fight give staff and students additional tools to counter armed intruders rather than just wait for law enforcement officers to arrive.

In closing, I urge you to give a "Do Not Pass" recommendation regarding HB1310 as presented.

Thank you for the opportunity to submit this testimony. If I can respond to any questions, I would be most happy to do so.

Sincerely,

Frank Schill  
Superintendent, Edmore Public School  
[Francis.schill@k12.nd.us](mailto:Francis.schill@k12.nd.us)  
701-520-9674

8

**Testimony in Opposition to  
HOUSE BILL NO. 1310  
Senate Judiciary Committee  
March 14, 2017**

Chairman Armstrong, Senate Judiciary Committee members, for the record my name is Todd D. Kranda. I am an attorney with the Kelsch Kelsch Ruff & Kranda Law Firm in Mandan. I appear before you today as a lobbyist on behalf of Everytown for Gun Safety to oppose HB 1310.

Everytown is an American nonprofit organization which is a pro-Second Amendment rights group that advocates for gun control and against gun violence. Everytown was founded in 2014, combining Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America. The organization works to "support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals." Everytown works to end gun violence and build safer communities. Gun violence touches every town in America. More than 3 million mayors, moms, cops, teachers, survivors, gun owners, and everyday Americans have come together to make their own communities safer. Everytown and its members are fighting for the changes that will save lives. The attached Handout summarizes the specific concerns with HB 1310, guns in schools.

I have also obtained and included for you to consider written testimony from Erica Lafferty whose mother was the principal at Sandy Hook School and was killed during the school shooting incident. Ms. Lafferty explains in her statement why legislation such as HB 1300 is opposed by her and concludes that loaded guns in schools is not the answer.

In conclusion, on behalf of Everytown for Gun Safety, I urge you to give **HB 1310 a Do Not Pass** recommendation. I would be happy to try to answer any questions.





## North Dakota HB 1310: Guns in Elementary, Middle, and High Schools

**Bottom Line:** HB 1310 would change North Dakota law to allow people to bring hidden, loaded handguns into elementary, middle, and high schools. This bill has been sold as a way to keep children safe, but in reality, it would do just the opposite, putting children at risk of unintentional shootings and escalating conflict without decreasing the risk of an active shooter. That's why **teachers and school safety experts oppose allowing guns into schools**. There are proactive ways to deal with school safety, but arming civilians is not one of them. North Dakota lawmakers should listen to school safety experts and local communities, rather than letting the gun lobby put children's lives at risk.

- ❑ **HB 1310 would allow civilians to carry concealed handguns in elementary, middle, and high schools.**
  - Under current law, generally only trained law enforcement and security officers can carry guns in schools.
  - HB 1310 would change the law and allow civilians—including teachers—to carry hidden, loaded handguns in schools.
- ❑ **Teachers and school safety experts oppose allowing guns in schools.**
  - The American Federation of Teachers and the National Education Association, the nation's two largest teachers' organizations oppose allowing guns in schools.<sup>1</sup>
  - The federal government's chief legal, law enforcement, public health, education, and emergency management agencies all agree that allowing civilians to carry guns in schools is not a sound security practice: "*The possibility of an active shooter situation is not justification for the presence of firearms on campus in the hands of any personnel other than law enforcement officers.*"<sup>2</sup>
- ❑ **Schools are already extremely safe.**
  - On average, only 1 percent of all homicides of school-age children occur on school grounds, on the way to or from school, or during a school sponsored event.<sup>3</sup>
  - There is approximately one homicide of a school-age youth at school per 1.8 million enrolled students.<sup>4</sup>
  - "Active shooter" incidents, like those at Sandy Hook School and Columbine High School, are extremely rare.<sup>5</sup>
- ❑ **The focus on arming school employees ignores the risks and consequences of bringing more guns onto school grounds.**
  - Everytown has tracked 113 shootings on elementary, middle, and high school campuses since 2013. Of those shootings, over 1 in 10 were **unintentional shootings**, and more than 1 in 6 incidents began as **a verbal altercation that escalated** because of the presence of a gun. Introducing guns on school campuses increases the potential for such tragedies.<sup>6</sup>
  - Schools that have allowed employees to carry guns have seen difficulty in obtaining insurance coverage. Some liability insurance providers have declined coverage to these schools while others have increased annual premiums, stretching already tight budgets.<sup>7</sup>



- ❑ **The gun lobby uses fear of “active shooter” situations to justify these policies, but arming civilians is not an effective way to stop an active shooter.**
  - Even police officers, with all their training and frequent exposure to high-risk and life-threatening events, do not always shoot accurately in a crisis encounter. Research casts significant doubt on the idea that civilians could shoot as well as trained police officers in an active shooter situation.<sup>8</sup>
  - The FBI found that in 160 active shooter incidents, there was only one successful armed civilian intervention—and the civilian in that incident was a highly trained U.S. Marine.<sup>9</sup> In contrast, *unarmed* civilians successfully intervened in over 20 incidents.
- ❑ **Based on what we know about school shootings, there are common-sense policies that can help reduce the risk.**
  - In incidents where the source of the gun is known, **more than half of children bringing a gun to school obtained the gun from home.**<sup>10</sup>
  - Making it harder for children to bring firearms from home --by enacting child access protection laws and promoting a culture of safe storage—could help address those situations.

<sup>1</sup> “AFT, NEA: Arming Teachers Won’t Keep Schools Safe, Dec. 20, 2012, available at: <http://www.nea.org/home/53943.htm>.

<sup>2</sup> U.S. Department of Education, et.al, “Guide for Developing High-Quality School Emergency Operations Plans, 2012, available at: [http://rems.ed.gov/docs/REMS\\_k-12\\_Guide\\_508.pdf](http://rems.ed.gov/docs/REMS_k-12_Guide_508.pdf).

<sup>3</sup> Digest of education statistics, 2015. Table 228.10: School-associated violent deaths of all persons, homicides and suicides of youth ages 5-18 at school, and total homicides and suicides of youth ages 5-18, by type of violent death: 1993-93 to 2012-13. National Center for Education Statistics; [http://nces.ed.gov/programs/digest/d15/tables/dt15\\_228.10.asp](http://nces.ed.gov/programs/digest/d15/tables/dt15_228.10.asp). Accessed November 28, 2016.

<sup>4</sup> Zhang, A., Musu-Gillette, L., and Oudekerk, B.A. (2016). Indicators of School Crime and Safety: 2015 (NCES 2016-079/NCJ 249758). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC., at <http://nces.ed.gov/pubs2016/2016079.pdf>. Digest of education statistics, 2015. National Center for Education Statistics; date unknown. [http://nces.ed.gov/programs/digest/d15/tables/dt15\\_105.20.asp?current=yes](http://nces.ed.gov/programs/digest/d15/tables/dt15_105.20.asp?current=yes). Accessed November 28, 2016. In the school year 2012-13, 31 homicides and 6 suicides of school age youth took place at school. In this academic year, 55 million students were enrolled in elementary and secondary schools.

<sup>5</sup> Everytown for Gun Safety Support Fund, “School Shootings in America

<sup>6</sup> Everytown for Gun Safety. Analysis of the Everytown School Shooting Index, Guns in Public Places. <http://everytownresearch.org/school-shootings/>. Published 2016. Accessed November 14, 2016.

<sup>7</sup> NY Times, Seven Yaccino, “Schools Seeking to Arm Employees Hit Hurdle on Insurance”, July 7, 2013, available at: <http://www.nytimes.com/2013/07/08/us/schools-seeking-to-arm-employees-hit-hurdle-on-insurance.html>.

<sup>8</sup> White MD. Hitting the target (or not): Comparing characteristics of fatal, injurious, and noninjurious police shootings. *Police quarterly*. 2006;9(3):303-330; Nieuwenhuys A, Oudejans R. Effects of anxiety on handgun shooting behavior of police officers: A pilot study. *Anxiety, Stress, & Coping*. 2010;23(2):225-233.

<sup>9</sup> Blair, J. Pete, and Schweit, Katherine W. (2014). A Study of Active Shooter Incidents, 2000 - 2013. Texas State University and Federal Bureau of Investigation, U.S. Department of Justice, Washington D.C. 2014.

<sup>10</sup> Everytown for Gun Safety. Analysis of school shootings. <http://everytownresearch.org/reports/analysis-of-school-shootings/>. Accessed November 29, 2016.

Thank you so much for hearing my testimony today. My name is Erica Lafferty. On December 14, 2012, my mother, Dawn Lafferty Hochsprung, was the Principal at Sandy Hook School. She was killed as she ran toward a shooter, trying to protect her students. 20 precious little first graders and five educators were also killed that day.

This was a tragic day not only for my family and the families of other victims, but for the nation. Once again, multiple young and innocent lives were lost in a crime that could have been prevented. As a survivor, it's important for me to share my story. I do this because I want to see fewer school shootings. I want fewer families to live with the enormous pain my family carries each day.

When I learned that my mother was killed while running toward the gunman, I wasn't surprised because that's who my mother was - selfless and fearless; a protector and a nurturer. She became an educator to impact the lives of children, not to carry a gun. If my mother had wanted to be a sharpshooter, she would have joined the military.

Guns don't belong in the places where our children play and learn—especially at K-12 schools. I urge the Senate Judiciary Committee to strengthen laws to keep guns out of the hands of dangerous people—and make schools more secure by not passing HB1310.

Opening up schools to hidden, loaded handguns isn't the right solution. Many school shootings involve guns that were stored carelessly at home, allowing easy access by a child. Of the K-12 school shootings tracked by Everytown for Gun Safety in which the source of the gun could be identified, more than half of children bringing a gun to school obtained the gun from home. The way to prevent school shootings is through education, awareness and sound laws that keep guns out of the hands of dangerous people - not by arming educators and others.

My mother spent years obtaining degrees, teaching special education and eventually became principal of Sandy Hook School. She knew exactly what school should be—a safe and happy place for children to learn and grow. I ask that as you consider this bill, you think about my mother and countless other educators and children who have been killed in school shootings. Think about your own kids and decide if guns in schools is really the kind of environment we want to create for future generations of children in North Dakota. This is not the America we have to live in. Children and teachers should all be able to go to school and feel safe.

3/14/17

9

HB 1310

## Here Are The Results of SurveyUSA Mkt Research Study #23441

Geography Surveyed: North Dakota  
Data Collected: 03/07/2017 - 03/13/2017  
Release Date: 03/13/2017 07:20 ET  
Sponsor: Everytown for Gun Safety

**About:** SurveyUSA interviewed 850 state of North Dakota adults 03/07/17 through 03/13/17. Of the adults, 757 are eligible to vote. Of the eligible voters, 602 report having voted in the 11/08/16 general election.

1

Asked of 850 adults

Margin of Sampling Error for this question =  $\pm 2.1\%$

Are you eligible to vote in the state of North Dakota?

89% Yes  
9% No  
2% Not Sure

2

Asked of 757 registered voters

Margin of Sampling Error for this question =  $\pm 3.6\%$

In the election for President last November, did you ... vote for Donald Trump? Vote for Hillary Clinton? Vote for another candidate? Or did you not get a chance to vote?

46% Trump  
22% Clinton  
12% Other  
20% Did Not Vote

3

Asked of 602 2016 voters

Margin of Sampling Error for this question =  $\pm 4.1\%$

Do you consider yourself ... a strong Republican? A Republican? An Independent who leans Republican? An Independent? An Independent who leans Democratic? A Democrat? Or a strong Democrat?

12% Strong Republican  
20% Republican  
15% Indy Leans Republican  
19% Independent

10% Indy Leans Democratic  
 10% Democrat  
 7% Strong Democrat  
 8% Not Sure

**4** Asked of 602 2016 voters  
 Margin of Sampling Error for this question = ± 4.1%

A few questions today about guns... Do you ... strongly support? Support? Oppose? Or strongly oppose ... requiring all gun buyers to pass a criminal background check, no matter where they buy a gun or whom they buy a gun from?

51% Strongly Support  
 35% Support  
 5% Oppose  
 5% Strongly Oppose  
 4% Not Sure

**5** Asked of 602 2016 voters  
 Margin of Sampling Error for this question = ± 4.1%

Under current North Dakota law, people are required to get a permit to carry concealed handguns in public places. In order to get a permit, a person needs to have a clean criminal record and complete handgun safety training. Do you ... strongly support? Support? Oppose? Or strongly oppose ... requiring a permit to carry a concealed handgun in public in North Dakota?

54% Strongly Support  
 31% Support  
 8% Oppose  
 5% Strongly Oppose  
 2% Not Sure

**6** Asked of 602 2016 voters  
 Margin of Sampling Error for this question = ± 4.1%

Some lawmakers would like to remove the requirement to get a permit in order to carry concealed handguns in public places. Would you ... strongly support? Support? Oppose? Or strongly oppose ... removing the requirement for a permit to carry concealed handguns in North Dakota?

10% Strongly Support  
 13% Support  
 28% Oppose  
 43% Strongly Oppose  
 5% Not Sure

**7** Asked of 602 2016 voters  
Margin of Sampling Error for this question = ± 4.1%

If this permit requirement is removed, it would make it easy for people with no safety training or with histories of violent behavior to carry concealed handguns in public. Given this, would you ... strongly support? Support? Oppose? Or strongly oppose ... removing the requirement for a permit to carry concealed handguns in North Dakota?

10% Strongly Support  
10% Support  
26% Oppose  
50% Strongly Oppose  
3% Not Sure

**8** Asked of 602 2016 voters  
Margin of Sampling Error for this question = ± 4%

Let's say a candidate for office supported removing the requirement to get a permit in order to carry loaded handguns in public places. Would you be more or less likely to vote for that candidate, or would it not make a difference in your vote?

12% More Likely To Vote For That Candidate  
56% Less Likely  
23% No Difference  
9% Not Sure

**9** Asked of 602 2016 voters  
Margin of Sampling Error for this question = ± 4.1%

Do you ... strongly support? Support? Oppose? Or strongly oppose ... allowing people in North Dakota to carry loaded guns into K-12 schools?

6% Strongly Support  
15% Support  
27% Oppose  
41% Strongly Oppose  
11% Not Sure

**10** Asked of 602 2016 voters  
Margin of Sampling Error for this question = ± 4.1%

Let's say a candidate for office supported changing the law to allow people in North Dakota to carry loaded guns into K-12 schools. Would you be more or less likely to vote for that candidate, or would it not make a difference in your vote?

11% More Likely To Vote For That Candidate  
54% Less Likely  
23% No Difference  
12% Not Sure

11	Asked of 602 2016 voters
	Margin of Sampling Error for this question = $\pm 4.1\%$

Do you ... strongly support? Support? Oppose? Or strongly oppose ... prohibiting anyone convicted of a misdemeanor crime of domestic violence or subject to a domestic violence protection order from purchasing a gun?

32% Strongly Support  
34% Support  
16% Oppose  
8% Strongly Oppose  
10% Not Sure

12	Asked of 602 2016 voters
	Margin of Sampling Error for this question = $\pm 4.1\%$

Do you ... strongly support? Support? Oppose? Or strongly oppose ... requiring anyone convicted of a misdemeanor crime of domestic violence or subject to a domestic violence protection order to turn in any guns they have to law enforcement or to a licensed gun dealer?

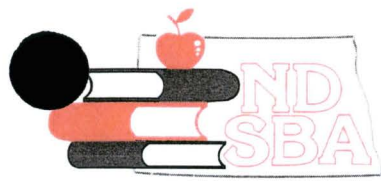
27% Strongly Support  
31% Support  
19% Oppose  
7% Strongly Oppose  
16% Not Sure

<a href="#">x</a>	<a href="#">Complete Interactive Crosstabs</a>
<a href="#">i</a>	<a href="#">Statement of Methodology</a>
<a href="#">!</a>	<a href="#">© 2017 SurveyUSA / Contractual Obligations</a>

10

3/14/17

HB 1310



*Excellence in North Dakota public education through local school board governance*

**NORTH DAKOTA  
SCHOOL BOARDS  
ASSOCIATION**  
I N C O R P O R A T E D



**HB 1310 – TESTIMONY**

**L. Anita Thomas, J.D., LL.M.**

**General Counsel**

**North Dakota School Boards Association**

**March 14, 2017**

With very few exceptions, there is no person on this earth who takes the safety and security of a child more seriously than that child’s parent. Following close behind are that child’s teachers, principals, superintendents, and the governing board of the child’s school district. This bill came about because of concerns regarding the unthinkable. What would happen if we had a Columbine, or a Sandy Hook? What would happen if a crazed individual, whether a student or an adult, brought a weapon into a school and started firing at our children and our staff?

The bill before you is one option. It is respectful of local control in that it does not mandate this option for all school districts. It does try to impose certain training requirements, and it does provide for state level oversight by a department that is staffed with people trained to oversee the education of our children, not the armed protection of our children.

Some people might have a greater comfort level knowing that there is an armed civilian in their child’s school – someone who could respond quickly, should the unthinkable happen. Someone who could take out the bad guy – the shooter – and perhaps save countless lives by so doing. Sometimes those bad guys have a face. The bad guy might be a 14 year old who the armed teacher knew since the day the child walked into kindergarten. That bad guy might be a neighbor who sits in the next pew at church or a family friend going through some personal challenges. That bad guy might be a nameless individual whose presence results in a hallway or classroom shootout with little control over where or in whom stray bullets will land -- stray bullets that are the inevitable result when panic and adrenalin meet.

The bill before you is one option. Unfortunately, however, it is not a viable option in a school environment. Because of that, it is not an option that the Legislative Assembly should even consider putting before a board. We would hope that the safety and security of students and staff in each of our schools continues to be a focus and that you will stand ready to help us invest in security systems and protocols that are appropriate in a school environment and help us identify and address the mental health needs of those who might perpetrate harm.

We therefore respectfully request a **DO NOT PASS** on Engrossed House Bill 1310.