

1 *Preface. Too often, action on preventive measures takes place only as a reaction*
2 *-- and following tragedy and disaster. That is just a fact of human nature.*
3 *Actions now should not be discounted or viewed as a simply "knee-jerk"*
4 *reaction. It takes unbending our knees to stand up for what is right, for what*
5 *saves lives, and for what the distractions of daily living will often not afford. The*
6 *costs of not standing up are far too great to discount reaction to the Sandy Hook*
7 *crisis. More of our children and families and communities remain threatened by*
8 *inaction. Human nature causes us to respond to crises. That response must not*
9 *be sidetracked by time.*

1 Sec. _____. Short Title

2 This Act shall be known as the "Remembering Sandy Hook Act of 2013"

3

1 Sec. _____. Findings.

2 1. The events of December 14, 2012 in Newtown, Connecticut shook the
3 confidence of the school community, our nation, and the world, that our schools
4 are a safe and protective place for students, families, and the community.

5 2. Steps must be taken to avoid another tragedy similar to that in Newtown,
6 working with law enforcement, mental health professionals, parents, educators, and
7 all members of the community -- whether in a professional capacity or as caring,
8 sharing neighbors.

9 3. Violence, or the threat of violence, impedes the teaching and learning
10 process and thus student achievement. Schools are not battlegrounds. They serve
11 very specific functions for society, as places where children are introduced to a
12 social system and given the foundation for learning that will be with them for the
13 rest of their lives. In schools, students also learn skills for later use in the labor
14 market or in higher education and acquire social, emotional, and citizenship skills
15 for becoming active participants in society's political and social processes.

16 4. As evidenced by crisis events over the past decade, schools are integral to
17 an overall community crisis prevention and response in terms of providing a safe
18 haven, disseminating information, identifying individuals at risk, providing mental
19 health services, linking individuals with community services, tracking displaced
20 families, supporting long-term recovery, and generally serving as a focus of
21 normalcy in the face of trauma.

22 5. If we are to do better for our children, we must also realize that mental
23 illness is an unaddressed public health emergency in our society, and something we
24 must deal with. Mental disorders are the leading cause of disability in the United
25 States. We should work to ensure that there are mental health professionals in
26 every school to screen all students and to treat those students who have identified
27 needs. The mental health and well-being of children and adults must be
28 recognized as a community responsibility as much as an individual responsibility.

29 6. In order to ensure the safety of our families and communities, we must
30 seek reasonable legislation that controls the availability of firearms and establishes
31 a stronger, more comprehensive system for background checks.

1 Sec. _____. Purposes

2 It is the purpose of this Act to provide for a comprehensive framework to instill
3 community awareness and provide both the preventive measures needed to
4 encourage and sanctions to discourage violence in our schools and in the larger
5 community. In doing so, it is the purpose of this Act to address the continuum of
6 needs and services that lead to improved safety, well-being, and learning for our
7 children and youth.

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1 **Chapter. ____ . Support for Schools, Students, and Staff**

2

3 **Title. ____ . Professional Development and Crisis Response Training**

4 Sec. ____ . Purposes

5 It is the purpose of this [title] to establish professional development requirements
6 with respect to school safety, crisis prevention and response for educators [and
7 education support professionals] in school districts in the state that are responsive
8 to the needs of students and educators at the local level and which are sensitive to
9 the cultural, developmental, and age-appropriate needs of students.

10 Sec. ____ . Satisfaction of State Professional Development Requirements

11 (a) Notwithstanding any other provision of law, a school district shall be
12 deemed to be in compliance with the State professional development
13 requirements for school safety and crisis intervention so long as the
14 district –

15 (1) Adopts and follows strong standards for professional development
16 on the subject matter;

17 (2) Has in place professional development requirements that are
18 easily understood, research-based, and which employ graduated rating
19 systems for professional development programs implemented in the
20 district;

21 (3) Provides adequate resources, including time and financial support,
22 to ensure that every educator [and education support professionals]
23 engages in effective professional learning;

24 (4) Has, not later than the beginning of the school year which begins
25 following the enactment of this Act, implemented new or expanded
26 professional development for school leaders, including principals and
27 teacher leaders, to help them facilitate and integrate high-quality
28 professional development into educators’ workdays;

29 (5) Includes a requirement that evaluations of school leaders in the
30 district include an assessment of how well they implement effective
31 professional development;

1 (6) Works collaboratively with educators, school leaders, and
2 representatives of school leaders to establish parameters or guidance on
3 educators' role in all decisions related to professional development; and

4 (7) Provides for a regular evaluation of the district's program of
5 professional development, including an assessment on the district's
6 return on investment in professional development.

7
8 (b) The evaluation described in subsection (a)(7) shall be conducted
9 by the State, local educational agencies, institutions of higher
10 education, or an external agency that is experienced in conducting
11 qualitative research, and shall be developed in collaboration with
12 groups such as –

13 (1) Experienced educators with track records of success in the
14 classroom;

15 (2) Institutions of higher education involved with educator
16 induction and professional development located within the
17 State;

18 (3) Law enforcement and security experts;

19 (4) School psychologists and mental health professionals with
20 particular expertise in the provision of mental health services
21 for children and youth; and

22 (5) local educator organizations.

23
24 Sec. _____. Definitions

25 The term 'professional development' means a comprehensive, sustained, and
26 intensive approach to improving educators' and principals' effectiveness in raising
27 student achievement that --

28 (a) fosters collective responsibility for improved student performance;

29 (b) is comprised of professional learning that—

30 (1) is aligned with rigorous State student academic achievement
31 standards as well as related local educational agency and school
32 improvement goals;

33 (2) is conducted among educators at the school and facilitated by
34 well-prepared school principals and school-based professional development
35 coaches, mentors, master teachers, or other teacher leaders; and

1 (3) primarily occurs several times per week among established teams
2 of educators, principals, and other instructional staff members where the
3 teams of educators engage in a continuous cycle of improvement that—

4 (A) evaluates student, educator, and school learning needs
5 through a thorough review of data on educator and student
6 performance;

7 (B) defines a clear set of educator learning goals based on the
8 rigorous analysis of the data;

9 (C) to the extent that existing funding support at the school
10 district, college, university, and state levels is maintained and staffing
11 levels are not reduced, achieves the educator learning goals by
12 implementing coherent, sustained, and evidence-based learning
13 strategies, such as lesson study and the development of formative
14 assessments, that improve instructional effectiveness and student
15 achievement;

16 (D) provides job-embedded coaching or other forms of
17 assistance to support the transfer of new knowledge and skills to the
18 classroom;

19 (E) regularly assesses the effectiveness of the professional
20 development in achieving identified learning goals, improving
21 teaching, and assisting all students in meeting challenging State
22 academic achievement standards;

23 (F) informs ongoing improvements in teaching and student
24 learning;

25 (G) is sensitive to the cultural diversity of the school, including
26 the response of various cultures to trauma; and

27 (G) may be supported by external assistance; and

28 (4) may be supported by activities such as courses, workshops,
29 institutes, networks, and conferences that—

30 (A) address the learning goals and objectives established for
31 professional development by educators at the school level;

32 (B) advance the ongoing school-based professional
33 development; and

34 (C) are provided for by for-profit and non-profit entities outside
35 the school such as universities, education service agencies, technical
36 assistance providers, networks of content-area specialists, and other
37 education organizations and associations.
38

1 (a) All school districts in the state provide annually to schools in the district
2 research-based training that meets the unique needs of school safety and
3 crisis teams.

4 (b) Training required by this section shall be –

5 (1) Developed by expert school psychologists with formal crisis
6 training and extensive experience in school crisis prevention and
7 response;

8 (2) Flexible and aligned with ongoing school mental health and safety
9 efforts and multi-tiered systems of student supports;

10 (3) Sensitive to the cultural diversity of the school community; and

11 (4) Appropriate for safety and crisis team leaders and members,
12 school mental health staff who might help respond in a major
13 crisis, and community providers who will be part of a school crisis
14 response.

15

1 **Title [____] SCHOOL SAFETY AND CRISIS MANAGEMENT**

2
3 **Sec. ____ . Findings**

4
5 (1) Schools play a critical prevention and response role in crises involving
6 students.

7 (2) How schools respond to a crisis can shape the immediate and long-term
8 effects on students and staff, thus impacting academic achievement.

9 (3) Effective crisis planning and response can help build students’
10 resilience, facilitate a return to learning, and strengthen families and school
11 communities.

12 (4) School crisis response presents unique issues that require specialized
13 training and knowledge of schools, the learning process, mental health, and
14 students’s crisis reactions.

15 (5) Schools need the capacity to respond to a range of crises including, but
16 not limited to student death, suicide, school shooting, community tragedy, natural
17 disaster, health epidemic, and terrorism.

18 (6) Mental health training is integral to crisis reactions and recovery;
19 supporting children’s mental health is essential.

20 (7) School psychologists and other school mental health professionals have
21 extensive training in mental health and its impact on learning and the school
22 environment.

23
24 **Sec. ____ . Purpose**

25
26 In order to fulfill the critical role which schools play in the health and development
27 of children, this [title] is designed to establish the structures and staffing
28 organization necessary for keeping students and staff safe and responding to crises.

29
30 **Sec. ____ . School Safety and Crisis Plans**

31
32 (a) All schools in the state shall be required to prepare a school safety and
33 crisis plan to address the issues of preparedness, prevention, intervention and
34 response, and recovery, both short and long term. All school districts in the state
35 shall require that each site administrator ensure that the plan is updated annually

36
37 (b) Plans required by this section must be fully integrated into community
38 emergency response efforts, including public safety, fire and rescue, and
39 community health and mental service providers, as well as clearly communicated
40 to staff, parents, and community leaders.

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(c) Plans required by this section must take into account --

(A) the mental health, risk/resiliency, and coping capacity of the individuals affected by crises, particularly students; and

(B) the unique opportunities and challenges presented by schools in preventing and responding to crises

Sec. ____ . Establishment of School Safety and Crisis Teams

(a) All school districts in the state shall provide for establishment of school safety and crisis teams which shall be principally responsible for the implementation and maintenance plans established by this [title].

(b) School safety and crisis teams established by this section shall include a core group of school employees (including educators, administrators, and education support professionals) who can explore short-term strategies for addressing the safety and crisis management needs of the school. After preliminary meetings, such teams shall invite community representatives to work with them on long-term efforts.

(c) All members of the school crisis teams must be adequately trained in terms of types of crises, systems, procedures, and the unique mental health needs that can arise as the result of a crisis.

(d) This section may be implemented only to the extent that existing funding support at the school district, college, university, and state levels is maintained and staffing levels are not reduced,

1 **Title ____ . SCHOOL COUNSELING**

2 Sec. ____ . All schools, colleges, and universities in the State shall establish a
3 program for school counseling as set forth in this section, including staffing levels
4 for school counselors in the school system.

5
6 (a) The school counseling program shall conduct programs that address
7 students' academic, career, personal and social development. Such
8 programs shall be aligned with the work of other professionals in the
9 school setting, as well as those in other educational and human service
10 agencies.

11 (b) A school counseling program shall be available to all students in grades
12 K-12.

13 (1) At the elementary level, there shall be no more than 250 students
14 per school counselor. Schools with fewer than 250 students shall
15 employ a school counselor at least proportionate to the ratio of the
16 number of students to 250.

17 (2) At the secondary level, there shall be no more than 200 students
18 per school counselor. For purposes of this rule, the term "school
19 counselor" includes the term "guidance counselor."

20 (3) Schools and/or districts in the State with fewer than 200 students
21 shall:

22 (i) employ or contract with a licensed, endorsed school
23 counselor [or the equivalent]; or

24 (ii) seek alternative ways to provide counseling services and
25 meet the required school counseling program goals using
26 licensed personnel. For example, they may contract for
27 services or receive services from a licensed school
28 counselor [or the equivalent] provided through joint
29 efforts of adjacent districts and/or counties.

30 (iii) When a school district uses alternatives to meet this
31 standard, it shall submit a description of the alternatives
32 to the Superintendent of Public Instruction and seek
33 approval from the Board of Public Education.

34 (c) **ELEMENTARY SCHOOL COUNSELORS.**

35 (1) In recognition of the diverse and complicated demands upon
36 students, their families and the public school system, the
37 legislature finds that the counseling offered at the elementary
38 school level should be flexible and responsive. For purposes of

1 elementary counselor services, a counselor shall be defined as an
2 individual who meets the requirements of an approved program of
3 graduate study in school guidance and counseling from a college or
4 university approved by the State Board of Education and who
5 meets the requirements of rules adopted by the Board, or an
6 individual licensed as a certified social worker and who meets the
7 requirements of the State Board of Education.
8

9 (2) The state board of education shall adopt rules to implement
10 provisions of this section, and shall specifically provide that
11 certified social workers meet the requirement for elementary
12 school counselors. A local school district may request a waiver
13 from the state board of education of the counselor/counseling
14 requirements, provided that data is submitted to and annually
15 approved by the state department of education to substantiate that
16 the intent of the board's rule in these areas is being met by the
17 alternative program model.
18

19 Sec. _____. "School counselor" shall mean an individual who is a mental health
20 specialist employed full-time by the school system and who, at a minimum,
21 satisfies the following requirements --

22 (a)(1) A master's degree in school counseling or guidance and counseling
23 from an institution of higher education;

24 (2) A National Board of Certified Counselors (NBCC) certificate; and

25 (3) Two years of satisfactory performance as a teacher or counselor in a
26 school setting; or

27 (b) (1) A master's degree in school counseling or guidance and counseling in
28 a program approved using standards approved by the State; and

29 (2) 2 years of satisfactory performance as a teacher or school counselor, or
30 500 clock hours in a supervised practicum in school counseling.

31 Sec. _____. Funding for School Counselors
32

33 There is hereby established in the State Treasury a "Counseling Fund" which shall
34 be available without further appropriation or fiscal year limitation and which shall
35 consist of funds appropriated by the legislature along with funds derived through

1 assessments on [**dedicated revenue stream as appropriate**]. Moneys in the fund
2 shall be used to pay for the cost of school counselors required to be employed
3 either directly or through contract by this [title].

1 **Title. ____ . Dedicated Funding Streams**
2

3 Sec. ____ . School Safety Modernization and Improvement Fund

4 (a) There is hereby establish in the State Treasury a "School Safety
5 Modernization and Improvement Fund" which shall be available without further
6 appropriation and without fiscal year limitation for the purposes set out in this
7 section.

8 (b) There shall be deposited into the Fund established by this section not
9 less than twenty-five (25) percent of the revenues derived from:

- 10 (1) The issuance of permits and licenses for the purchase and carrying
11 of firearms as established by the State;
- 12 (2) Criminal and civil monetary penalties and fines assessed for
13 violation of any State law regulating the purchase or possession
14 of firearms in the State;
- 15 (3) Penalties and fines assessed by the State or any court of
16 competent jurisdiction or regulatory agency for the commission of
17 any crime in which a firearm or munitions regulated by the State
18 was materially involved;
- 19 (4) Civil monetary judgments awarded to the State in criminal and
20 civil actions in which a firearm or munitions regulated by the
21 State was materially involved; and
- 22 (5) Excise taxes assessed by the State for the sale and transfer of
23 firearms and munitions as defined in this Act.

24 (c) The Fund shall be available for the following uses to ensure the safety
25 of school buildings and the students and staff in the school:

- 26 (1) Construction and installation of technology;
- 27 (2) Cameras and door access systems;

1 (3) Two-way paging and voice intercom systems designed to connect
2 classrooms to administration areas and to all areas of the school
3 building;

4 (4) Computer hardware and software related to building safety and
5 security; and

6 (5) Such other improvements as shall be deemed appropriate by the
7 state board of education.

8

1 **Chapter. ____ . Mental Health Policy**

2
3 **Title ____ . State Mental Health Policy Generally**

4
5 **Sec. ____ . Expanding Access to Mental Health Services**

6
7 (a) The State shall establish a program of outreach to qualified families to
8 inform them of the availability of covered mental health services under Medicaid
9 and other income-based programs within the State.

10
11 **Sec. ____ . Establishment of Minimum "Essential Health Benefits"**

12
13 (a) The State, under authority provided by the Patient Protection and
14 Affordable Care Act (P.L. 111-148) shall establish as its "essential health benefits"
15 under the Act mental health services no less generous than that established by the
16 any other state, as determined by the Secretary of Health and Human Services.

17
18 (b) All residents of the State, pursuant to regulations, shall have access to
19 comprehensive in-patient, out-patient, community-based services and prescription
20 drug related mental health services.

21
22 **Sec. ____ . Establishment of Minimum "Essential Health Benefits"**

23
24 (a) The State, under authority provided by the Patient Protection and
25 Affordable Care Act (P.L. 111-148) shall establish a minimum level of mental
26 health services as part of its "essential health benefits" under the Act.

27
28 (b) In determining the level of mental health services required to be
29 provided under subsection (a), the State may not establish a level of mental health
30 services at a level less than the actuarial value of the nationwide weighted-average
31 of all mental health services established by all States which require mental health
32 services as a part of any State's "essential health benefits" established pursuant to
33 the Patient Protection and Affordable Care Act, as determined by the Secretary of
34 Health and Human Services.

35
36 (c) In determining the nationwide weighted-average described in subsection
37 (b), the Secretary shall multiply the actuarial value of mental health services
38 required by each State by the number of enrollees in covered health plans in each
39 State and then divide the total actuarial value for all enrollees in all States. The
40 average value shall serve as the basis for determining the minimum actuarial value

1 of mental health services for all individuals and families enrolled in health plans in
2 the State.]

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4
5 Sec. _____. Mental Health Parity
6

7 (a) All group health plans providing services in the State shall include
8 health plan coverage for mental health services and substance abuse services
9 consistent with the requirements of the Mental Health Parity Act of 1996 (P.L.
10 104-204) and the Paul Wellstone and Pete Domenici Mental Health Parity and
11 Addiction Act of 2008 (P.L. 110-343).
12

13 (b) Notwithstanding any other provision of law, no group health plan in the
14 State may raise copayments or limit physician visits for mental health care in any
15 manner inconsistent with that afforded for covered medical and surgical benefits.
16

17 (c) Any health plan found to be in violation of this section, shall be subject
18 to a penalty of not less than \$5,000.00 per covered individual per year in the plan.
19

20 Sec. _____. Support for Mental Health Professions
21

22 (a) The State shall establish a program for loan-relief for students in the
23 State who specialize in psychiatry, developmental-behavioral pediatrics, social
24 work, and clinical (including school-based) psychology and commit to practice in
25 less affluent and less urban areas.
26

27 (b) Pursuant to the section, participants in the loan-relief program described
28 in the section may be required to accept Medicaid patients as well as other
29 qualified individuals for a period of time as prescribed by the State.
30

31 Sec. ___ Identification, Evaluation and Treatment of Mental Illness
32

33 (a) The State shall establish a system for early and periodic screening,
34 diagnosis and treatment of mental illness in line with that afforded to covered
35 medical and surgical benefits within the State.
36

37 (b) The State shall establish a program to provide community-based services
38 to enable children to remain with their families rather than in institutional settings,
39 in cases of SED, to the extent practicable.
40

1 Sec. _____. Standardized Medicaid Eligibility

2

3 (a) The State shall establish Medicaid eligibility in the state at an income
4 level not less than 100% of the federal poverty line.

5

6 (b) The State shall establish coverage levels for mental health services and
7 for the coordination and management of such services at a level not less than any
8 other state, as determined by the Secretary of Health and Human Services.

9

10 (c) The State shall fund and improve access to mental health services to the
11 extent necessary to achieve parity with the provision of covered medical and
12 surgical services in the State.

13

14

1 **Title [] School-Related Mental Health – Screening and Services**

2
3 Sec. ____ . Findings

- 4
5 (1) Mental health — an essential part of children's overall health — has a
6 complex interactive relationship with their physical health and their
7 ability to succeed in school, at work and in society. Both physical and
8 mental health affect how we think, feel and act on the inside and
9 outside.
- 10
11 (2) All children and youth have the right to happy and healthy lives and
12 deserve access to effective care to prevent or treat any mental health
13 problems that they may develop.
- 14
15 (3) Research shows that people with mental health issues are not more
16 violent than the general population. In fact, they are more likely to be
17 the subjects of victimization.
- 18
19 (4) Discrimination against the mentally ill can have a profound effect. It
20 can cause embarrassment and shame, leading those with illnesses to try
21 to conceal their problems and avoid help. The stigma may prevent
22 employers from hiring people with mental illnesses. And it may cause
23 the public to not support funding for key services.
- 24
25 (5) Many mental illnesses are believed to have biological causes, just like
26 cancer, diabetes and heart disease, but some mental disorders are
27 caused by a person’s environment and experiences.

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29
30 Sec. ____ . Definitions

31
32 "Mental illness" means a current, substantial disturbance of thought, mood,
33 perception or orientation which significantly impairs judgment, capacity to
34 control behavior or capacity to recognize reality, but does not include simple
35 alcohol intoxication, transitory reaction to drug ingestion, organic brain
36 syndrome or developmental disability unless it results in the severity of
37 impairment described herein. The term mental illness is not limited to
38 "psychosis" or "active psychosis," but shall include all conditions that result
39 in the severity of impairment described herein.

1
2 Sec. ____ . Early Identification and Intervention of Mental Health Needs of
3 Children
4

5 (a) Every school district in the State shall establish a program to increase
6 access to mental health services and supports to promote social-emotional well-
7 being in schools. Such a program shall include a timely, comprehensive,
8 multidisciplinary evaluation of the mental health needs of students in the district,
9 including a family-directed identification of the needs of each family of such
10 student, to assist appropriately in the health and education of the student.
11

12 (b) Every school district in the State shall establish a multi-tiered approach
13 consistent with other school systems of support—which includes universal mental
14 health screenings and interventions as well as more intensive approaches for
15 students deemed at risk. School mental health professionals, in collaboration with
16 families and educators, shall remain central to helping identify students at risk for
17 violence to themselves or others, and identifying interventions and supports to help
18 minimize those risks.
19

20 (c) In carrying out this program, the school district shall encourage close
21 collaboration between educators, parents, education support professionals, school-
22 employed school counselors, school psychologists, and school social workers and
23 community-employed mental health services providers (including professional
24 counselors, clinical psychologists, and clinical social workers) as well as
25 coordination with early childhood education providers addressing similar needs in
26 younger children and siblings.
27

28 (d) In carrying out this program, the school district shall, to the greatest
29 extent possible, encourage collaboration and communication across education,
30 health, mental health, and law enforcement agencies.
31

32 (e) Every school district in the state shall maintain and make widely
33 available to families of students in the school district a central directory that
34 includes information on mental health services, resources, and experts available in
35 the school district or, if geographically appropriate, within the State.
36

37 (f) All students and families in the State shall have the right to
38 confidentiality of personally identifiable information, including the right
39 of parents to written notice of and written consent to the exchange of
40 such information among agencies consistent with Federal and State law.

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Sec. _____. School-Based Health Centers

(a) All school-based health centers in the State shall provide for mental health services to the extent needed as determined by the Superintendent of Schools.

(b) Every school system in the State shall establish a program of parent and student engagement to ensure that mental health services are fully integrated into school settings. Notwithstanding any other provision of law, all funds available for school construction in the State shall be available for the construction of school-based school health centers.

1 **Title ____ . Family Mental Health Information, Screening and Referral**

2
3 **Sec. ____ . Findings**

- 4
5 (1) Although no family is immune to crises, some families are particularly
6 vulnerable. Early identification and support by school staff and mental
7 health professionals may help the family avoid a crisis.
8
9 (2) Children raised in homes where violence is present are more apt as
10 adults to raise their own children in a similar manner. Children exposed
11 to violence at a young age are more susceptible to repeating the cycle of
12 violence as adults. This cycle also perpetuates mental health problems,
13 such as depression, social isolation, and anti-social behavior, which may
14 severely impede a child's ability to learn.
15
16 (3) Early screening and intervention through the provision of mental health
17 services has the potential not only to assist a child in growing and
18 thriving throughout a lifetime, but can also break the cycle of untreated
19 mental illness which can cause deep and abiding pain to individuals,
20 families, and communities.
21
22 (4) Schools can provide a safe, healthy, and nurturing environment not only
23 for children enrolled in the school as students, but can be a welcome
24 access point and haven to addressing the continuing needs of family
25 members, including their younger siblings and family members who do
26 not yet attend school.
27
28 (5) Educators and other educational support professionals encounter many
29 opportunities to identify families at risk. The on-going process of
30 developing family partnerships, including meetings with a family about
31 a child's progress, observations of students' and parents' behaviors, news
32 about a significant event in the life of a family, and/or remarks made by
33 parents during seemingly casual conversations may signal that a family
34 is in distress. Through identification and referral to appropriate mental
35 health interventions, families needs can be addressed in a safe and
36 positive manner.

37 **Sec. ____ . Voluntary Assessment**

38

1 (a) Upon entry of a student into any preschool, elementary school, middle
2 school, and high school in the state, the family of that student (or guardian, as
3 appropriate) shall be offered --

- 4 (1) a voluntary, scientifically-valid risk assessment tool for the purpose
5 of the identifying the social and emotionally needs of the family; and
- 6 (2) information about risk and protective factors and supports related to
7 family mental health and functions, including the effects of stressors on
8 the development of children from birth through school-age, the
9 importance of child well-being of attending to parental and caregivers
10 mental health needs, community resources for mental health and basic
11 needs of all family members, and opportunities for creating connections
12 among families in the schools and community.

13
14 (b) The risk assessment tool described in this section shall take into account
15 certain factors that may increase the risk of a family member, including --

- 16
17 (1) Having a biological (blood) relative, such as a parent or sibling,
18 with a mental illness;
- 19 (2) Having antenatal experiences, including having a birth mother
20 who was exposed to viruses, toxins, drugs or alcohol during
21 pregnancy;
- 22 (3) Experiencing stressful life situations, such as financial problems,
23 a loved one's death or a divorce;
- 24 (4) Having a chronic medical condition, such as cancer;
- 25 (5) Experiencing brain damage as a result of a serious injury
26 (traumatic brain injury), such as a violent blow to the head;
- 27 (6) Having traumatic experiences, such as military combat or being
28 assaulted;
- 29 (7) Use of illegal drugs;
- 30 (8) Being abused or neglected as a child;
- 31 (9) Having few friends or few healthy relationships;
- 32 (10) Having a previous mental illness; and

33
34 (c) In the event that responses to the assessment tool described in this
35 section suggest that a family member is at-risk of developing mental health
36 problems, the school shall offer the family member a voluntary referral to mental
37 health services. In the absence of an assessment under (a), referral by a health
38 professional shall suffice for access to services described in this subsection.

39

1 (d) Initial screenings and assessments to identify mental health needs under
2 this section shall be available to family members of a child enrolled in a school at
3 no cost to the family.

4
5 (e) There are hereby appropriated such funds as may be necessary for the
6 purposes of carrying out this section.

7

1 Sec. ____ . Campaign To Reduce the Stigma of Mental Illness

2

3 (a) Findings. Too much stigma about mental health exists in our country.
4 This stigma reduces the likelihood that families and students will seek out and
5 receive the mental health supports and services needed to learn and thrive in school
6 and throughout life.

7

8 (b) The Governor (through appropriate offices in the state) is directed to
9 conduct a state campaign to promote mental health as a universal component of
10 human development and wellness, reduce the stigma around mental illness, and to
11 promote mental health screening and treatment on par with other physical health
12 issues.

13

1 **Title [] Firearms and Munitions Provisions**

2
3 **Chapter ____ . REQUIRING BACKGROUND CHECKS ON ALL GUN**
4 **PURCHASERS**

5
6 **Sec. 1. Findings and Purpose**

7
8 The State hereby finds and declares:

9
10 (a) Federal law requires anyone engage[d] in the business of selling firearms
11 to obtain a federal firearms license. Many individuals sell firearms without falling
12 within the federal definition of engaged in the business, however. It has been
13 estimated that while 60% of all firearms sold in the U.S. are transferred by
14 federally licensed dealers, the remaining 40% of guns are sold by unlicensed
15 sellers.

16
17 (b) Federal law requires federally licensed firearms dealers, but not
18 unlicensed sellers of firearms, to, among other things --

19
20 (1) perform background checks on prospective firearm
21 purchasers; and

22
23 (2) maintain records of all firearm sales.

24
25 (c) Background checks are an extremely effective way to keep guns out of
26 the hands of prohibited persons. Since the federal background check requirement
27 was adopted in 1994, over 1.9 million criminals and other prohibited persons
28 across the United States have been prohibited from buying guns. In 2010 alone,
29 70,972 gun transfers were denied using the federal background check system.

30
31 (d) Private firearm sales are a significant public safety concern. The gap in
32 federal law that allows unlicensed individuals to sell firearms without background
33 checks or recordkeeping is known as the "private sale loophole." According to a
34 November 2010 report from the U.S. Department of Justice, because of this
35 loophole, individuals prohibited by law from possessing guns can easily obtain
36 them from private sellers and do so without any federal records of the
37 transactions.

38
39 (e) The Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) found
40 that during one 29-month period, unlicensed sellers were involved in about one-

1 fifth of illegal trafficking investigations and associated with nearly 23,000
2 trafficked guns. Roughly 20% of gun trafficking investigations involve transfers
3 by unlicensed sellers.
4

5 (f) According to a 2010 report by Mayors Against Illegal Guns (a coalition
6 of over 600 mayors that targets illegal guns nationwide), states that do not require
7 background checks for sales of handguns at gun shows are the source of crime
8 guns recovered in other states at an average rate more than two and one-half times
9 greater than states that do require such background checks. None of the ten states
10 that are most frequently the source of crime guns when population is taken into
11 account have any universal background check or gun show background check
12 requirement.
13

14 (g) A June 2009 U.S. Government Accountability Office report detailing
15 U.S. efforts to fight gun trafficking into Mexico found that U.S. government
16 restrictions on collecting and reporting information on gun purchases, as well as
17 the lack of background check requirements for private gun transfers, substantially
18 contribute to the availability of U.S. firearms to Mexican cartels. ATF also
19 concluded that the increased incidence of gun trafficking into Mexico is influenced
20 by a readily accessible source of guns originating primarily in the secondary
21 market, at U.S. gun shows, flea markets and other private sales locations.
22

23 (h) Universal background checks reduce illegal trafficking and treat all
24 transfers equally, whether the purchaser is at a gun shop, a gun show, or buying
25 from a neighbor or from anyone else. Universal background checks help ensure
26 that all persons buying guns are legally eligible to do so.
27

28 (i) In a 2007 report, the International Association of Chiefs of Police (IACP)
29 explained that, because individuals who fail a background check can easily access
30 firearms through private sales, guns are far too easily acquired by prohibited
31 possessors, and too often end up being used in gun crime and gun violence. The
32 report concluded that Congress, as well as state, local and tribal governments,
33 should enact laws requiring that all gun sales and transfers proceed through a
34 federally licensed dealer.
35

36 (j) Laws requiring federally licensed dealers to record information about
37 each sale or transfer of a firearm help law enforcement trace the owners of guns
38 recovered in crimes, and remove guns from the hands of people who have been
39 convicted of a crime or otherwise become ineligible to possess them.
40

1 (k) The 2007 IACP report concluded that laws applying a record-keeping
2 requirement to all firearm sales allow law enforcement to trace the gun to the last
3 point of sale should it be criminally misused, lost or stolen. According to the
4 report, guns that are not sold or transferred through a licensed gun dealer become
5 more difficult to trace if lost, stolen or criminally misused, making crimes
6 involving them more difficult to solve.

7
8 (l) California, Rhode Island, and the District of Columbia have adopted
9 universal background check laws that require licensed dealers or law enforcement
10 agencies to conduct a background check on all prospective gun buyers.
11 Connecticut, Maryland, and Pennsylvania impose universal background checks on
12 handgun purchasers. Colorado, Illinois, New York, and Oregon require
13 background checks with respect to all firearm sales at gun shows.

14
15 (m) Americans overwhelmingly support laws requiring background checks
16 on all gun purchasers:

17
18 (1) A national survey conducted for Mayors Against Illegal Guns in
19 January 2011 found that 86% of Americans, including 81% of gun owners, favor
20 mandatory criminal background checks for all people purchasing guns.

21
22 (2) A nationwide poll conducted in early 2008 found that 87% of
23 Americans, including 83% of gun owners, favor requiring anyone who sells guns
24 to conduct criminal background checks on prospective purchasers.

25
26 (3) Polls conducted in five bellwether states (Arizona, Colorado,
27 Indiana, Ohio and Virginia) in February 2011 found that more than 83% of
28 respondents, including more than 75% of gun owners, in each of these states
29 support laws requiring all gun purchasers to pass a background check.

30
31 (n) It is the purpose and intent of the State in enacting this Chapter to require
32 all firearm sales in the State to be processed through a licensed firearms dealer,
33 who will conduct a background check and create a record of each sale. The State
34 believes this law will protect public safety by helping to keep guns out of the hands
35 of felons, domestic abusers, the mentally ill, and other prohibited persons, and by
36 aiding law enforcement efforts to solve gun crimes.

37
38 Sec. 2. Definitions

39
40 For purposes of this Chapter --

1
2 (1) FIREARM - The term "firearm" means any weapon or device designed
3 to be used as a weapon, which will, is designed to, or may readily converted to
4 expel a projectile or projectiles by the action of an explosive, explosion, or other
5 means of combustion, or the frame or received of such a device, provided that the
6 term "firearm" shall not include an "antique firearm" as defined in 18 U.S.C.
7 921(a)(16), or a weapon that has been rendered permanently inoperable (incapable
8 of being readily restored to a firing condition).
9

10 (2) LAW ENFORCEMENT OFFICER, OR QUALIFIED RETIRED LAW
11 ENFORCEMENT OFFICER - The term "law enforcement officer," or "qualified
12 retired law enforcement officer" means those terms as defined in 18 U.S.C. 926B
13 and 926C.
14

15 (3) LICENSED FIREARMS DEALER - The term "licensed firearms
16 dealer," "license dealer," or "dealer" means a person who has a valid federal
17 firearms dealer license, and all additional licenses required by the State or local
18 law, to engage in the business of selling or transferring firearms.
19

20 (4) "PERSON" - The term "person" means any individual, corporation,
21 company, association, firm, partnership, club, organization, society, joint stock
22 company or other entity."
23
24

25 Sec. 3. Limitation on Firearms Transfers

26
27 (a) No person shall sell or otherwise transfer a firearm unless --
28

29 (1) The person is a licensed firearms dealer;

30
31 (2) The purchaser or other transferee is a licensed firearms dealer; or

32 (3) The requirements of subsection (b) are met.
33

34 (b) Where neither party to a prospective firearms transaction is a licensed
35 firearms dealer, the parties to the transaction shall complete the sale or other
36 transfer through a licensed firearms dealer as follows:
37

38 (1) The seller or other transferor shall deliver the firearm to the dealer,
39 who shall retain possession of the firearm until all legal requirements for the sale

1 or other transfer have been met, including compliance with any state or local
2 waiting periods;

3
4 (2) The dealer shall process the sale or other transfer as if he or she
5 were the seller or other transferor. The dealer shall comply with all requirements of
6 federal, state, and local law that would apply if he or she were the seller or other
7 transferor of the firearm;

8
9 (3) The dealer shall conduct a background check on the purchaser or
10 other transferee in accordance with 18 U.S.C. § 922(t) and state and local law and,
11 if the transaction is not prohibited, deliver the firearm to that person after all other
12 legal requirements are met;

13
14 (4) If the dealer cannot legally deliver the firearm to the purchaser or
15 other transferee, the dealer shall conduct a background check on the seller or other
16 transferor in accordance with 18 U.S.C. § 922(t), and state and local law, and, if
17 the return is not prohibited, return the firearm to that person;

18
19 (5) If the dealer cannot legally return the firearm to the seller or other
20 transferor, the dealer shall deliver the firearm to [local law enforcement] within 24
21 hours; and

22
23 (6) The dealer may require the purchaser or other transferee to pay a
24 fee covering the administrative costs incurred by the dealer for facilitating the
25 transfer of the firearm, plus applicable fees pursuant to federal, state, and local law.

26 27 Sec. 4. Exceptions

28
29 Section 3 does not apply to --

30
31 (a) Any law enforcement or corrections agency, or law enforcement or
32 corrections officer acting within the course and scope of his or her employment or
33 official duties;

34
35 (b) A United States Marshal or member of the Armed Forces of the United
36 States or the National Guard, or a federal official transferring or receiving a
37 firearm as required in the operation of his or her official duties;

38
39 (c) A gunsmith who receives a firearm solely for the purposes of service or
40 repair, or the return of the firearm to its owner by the gunsmith;

1
2 (d) A common carrier, warehouseman, or other person engaged in the
3 business of transportation or storage, to the extent that the receipt of any firearm is
4 in the ordinary course of business and not for the personal use of any such person;
5

6 (e) A person who is loaned a firearm solely for the purpose of shooting at
7 targets, if the loan occurs on the premises of a properly licensed target facility, and
8 the firearm is at all times kept within the premises of the target range;
9

10 (f) A person who is under 18 years of age who is loaned a firearm for lawful
11 hunting or sporting purposes or for any other lawful recreational activity while
12 under the direct supervision and control of a responsible adult;
13

14 (g) A person who is 18 years of age or older who is loaned a firearm while
15 the person is accompanying the lawful owner and using the firearm for lawful
16 hunting or sporting purposes or for any other lawful recreational activity;
17

18 (h) A person who acquired the firearm by operation of law upon the death of
19 the former owner of the firearm within the preceding [60] days. At the end of the
20 60-day period, the person must either have lawfully transferred the firearm or must
21 have contacted the State to notify the State that he or she has possession of the
22 firearm and intends to retain possession of the firearm, in compliance with all
23 federal, state and local laws; or
24

25 (i) An adult family member of the lawful owner of the firearm if the owner
26 resides with the family member but is not currently present in the residence,
27 provided that the family member does not maintain control over the firearm for
28 more than [14] consecutive days. This exception shall not apply if the owner or the
29 family member knows or has reasonable cause to believe that federal, state, or
30 local law prohibits the family member from purchasing or possessing firearms,
31 or the owner knows or has reasonable cause to believe that the family member is
32 likely to use the firearm for unlawful purposes.
33

34 Sec. 5. Penalties

35

36 (a) Any person violating any of the provisions of this Chapter shall be guilty
37 of a misdemeanor, punishable by a fine of not more than \$1,000 or by
38 imprisonment for a period not exceeding six months, or both. Such person shall be
39 guilty of a separate offense for each and every day during any portion of which a

1 violation of any provision of this Chapter is committed or continued by such
2 person, and shall be punishable accordingly.

3
4 (b) In addition to any other penalty or remedy, the Department shall report
5 any violation of this Chapter by a licensed firearms dealer to the Bureau of
6 Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice
7 and to the relevant State agency.

8
9 (c) In addition to any other penalty or remedy, the State shall have the
10 authority, after notice and a hearing, to revoke the permit of any licensed firearms
11 dealer found to be in violation of this Chapter.

12
13 **Sec. 6. Severability**

14
15 If any section, subsection, sentence or clause of this Chapter is for any reason
16 declared unconstitutional or invalid or unenforceable by any court of competent
17 jurisdiction, such decision shall not affect the constitutionality, validity or
18 enforceability of the remaining portions of this Chapter or any part thereof. The
19 State hereby declares that it would have adopted this Chapter notwithstanding the
20 unconstitutionality, invalidity or unenforceability of any one or more of its
21 sections, subsections, sentences or clauses.

22
23 **Chapter ____ . BANNING ASSAULT WEAPONS**

24
25 **Sec. 1. Findings and Purpose**

26
27 The State hereby finds and declares:

28 (a) assault weapons are semi-automatic firearms designed with military
29 features to allow rapid spray firing for the quick and efficient killing of humans.

30 (b) assault weapons have been the tools of choice in many mass shootings
31 of innocent civilians, including those described below:

32 (1) Newtown, Connecticut, December 14, 2012: Adam Lanza killed
33 26 and wounded 2 at Sandy Hook Elementary School. Twenty of the dead were
34 young children. Lanza was armed with a Bushmaster AR-15 assault rifle, two

1 regular handguns, multiple 33-round magazines, and hundreds of rounds of
2 ammunition;

3 (2) Blacksburg, Virginia, April, 2007: Seung-Hui Cho killed 32 and
4 wounded 17 at Virginia Tech armed with a regular handgun and 15-round
5 ammunition magazines; and

6 (3) Columbine, Colorado, April 20, 1999: Eric Harris and Dylan
7 Klebold killed 12 and wounded 21 at Columbine High School. Klebold was armed
8 with a TEC-9 assault pistol and several large capacity ammunition magazines.

9 (c) In 1994, a federal ban on the manufacture, transfer, and possession of
10 semi-automatic assault weapons. The law included a ten-year sunset provision. In
11 2004, Congress allowed the law to expire. Seven states and the District of
12 Columbia currently ban assault weapons (with the exception of Connecticut) large
13 at the state level. The District of Columbia ban does not grandfather pre-ban
14 weapons . Two additional states regulate, but do not ban, assault weapons.

15 (d) The expired federal assault weapon ban would have been even more
16 effective had it not contained major loopholes that allowed manufacturers to easily
17 evade the ban;

18 (e) Assault weapons are inappropriate for civilian use due to their unique
19 combinations of features. An assault weapon allows a shooter to fire a large
20 number of rounds rapidly while maintaining control of the firearm. Specific
21 features that allow an assault weapon to perform this way are:

22 (1) Detachable magazine: A firearm that can accept a detachable
23 magazine allows a shooter to attach magazines of any size available for the
24 firearm. In some cases, magazines can hold as many as 100 rounds. Even smaller
25 detachable magazines greatly increase firepower since the firearm can be reloaded
26 with pre-filled magazines in seconds;

27 (2) Pistol grip: To counteract the movement that occurs when a semi-
28 automatic weapon is fired rapidly, assault weapons are typically equipped with
29 features that allow the shooter to steady the weapon. A pistol grip, not typically
30 found on a sporting rifle or shotgun (which would be fired from the shoulder),
31 allows the shooter to control the firearm by shooting from the hip during rapid fire;

1 (3) Thumbhole stock: As with a pistol grip, a thumbhole stock allows
2 the shooter to control the firearm by shooting from the hip during rapid fire;

3 (4) Folding or telescoping stock: A folding or telescoping stock folds
4 or collapses to make the weapon easier to conceal and transport; and

5 (5) Barrel shroud: As with a pistol grip and thumbhole stock, a barrel
6 shroud allows the shooter to steady the firearm during rapid fire. The shroud
7 encircles the barrel of the firearm and allows the shooter to hold it without getting
8 burned.

9 (f) Laws banning assault weapons are consistent with the Supreme Court's
10 interpretation of the Second Amendment. In the 2008 ruling in *District of*
11 *Columbia v. Heller*, the United States Supreme Court stated for the first time that
12 the Second Amendment protects a law-abiding citizen's right to possess an
13 operable handgun in the home for self-defense. The Court noted, however, that the
14 right is limited. Among other limitations, the Court recognized that the Second
15 Amendment would not preclude banning "dangerous and unusual weapons" such
16 as M-16 rifles;

17 (g) After the *Heller* decision, the District of Columbia adopted a set of
18 strong new gun laws, including a measure prohibiting the possession of assault
19 weapons. In 2011, the D.C. Circuit Court of Appeals upheld these laws against a
20 Second Amendment challenge; and,

21 (h) The wide availability of assault weapons is a serious risk to public health
22 and safety.

23
24 Sec. 2. Definitions

25 For purposes of this Chapter --

26 (a) "Assault weapon" means any:

27 (1) Semi-automatic rifle that has the capacity to accept a detachable
28 magazine and has one or more of the following:

29 (i) A pistol grip or thumbhole stock;

1 (ii) Any feature capable of functioning as a protruding grip that
2 can be held by the non- trigger hand;

3 (iii) A folding or telescoping stock;

4 (iv) A shroud attached to the barrel, or that partially or
5 completely encircles the barrel, allowing the bearer to hold the firearm with the
6 non-trigger hand without being burned, but excluding a slide that encloses the
7 barrel;

8 (2) Semi-automatic pistol, or any semi-automatic, centerfire or
9 rimfire rifle with a fixed magazine, that has the capacity to accept more than 10
10 rounds of ammunition;

11 (3) Semi-automatic pistol that has the capacity to accept a detachable
12 magazine and has one or more of the following:

13 (i) Any feature capable of functioning as a protruding grip that
14 can be held by the non-trigger hand;

15 (ii) A folding, telescoping or thumbhole stock;

16 (iii) A shroud attached to the barrel, or that partially or
17 completely encircles the barrel, allowing the bearer to hold the firearm with the
18 non-trigger hand without being burned, but excluding a slide that encloses the
19 barrel; or

20 (iv) The capacity to accept a detachable magazine at any
21 location outside of the pistol grip;

22 (4) Semi-automatic shotgun that has one or more of the following:

23 (i) A pistol grip or thumbhole stock;

24 (ii) Any feature capable of functioning as a protruding grip that
25 can be held by the non-trigger hand;

26 (iii) A folding or telescoping stock;

27 (iv) A fixed magazine capacity in excess of 5 rounds; or

1 (v) An ability to accept a detachable magazine;

2 (5) Shotgun with a revolving cylinder;

3 (6) Conversion kit, part, or combination of parts, from which an
4 assault weapon can be assembled if those parts are in the possession or under the
5 control of the same person.

6 (b) "Assault weapon" does not include any firearm that has been made
7 permanently inoperable.

8
9 Sec. 3. Prohibitions

10 (a) No person, corporation or other entity in the State may manufacture,
11 import, possess, purchase, sell or transfer any assault weapon.

12 (b) Section (a) shall not apply to:

13 (1) Any government officer, agent, or employee, member of the
14 armed forces of the United States, or peace officer, to the extent that such person is
15 otherwise authorized to acquire or possess an assault weapon, and does so while
16 acting within the scope of his or her duties; or

17 (2) The manufacture of an assault weapon by a firearms manufacturer
18 for the purpose of sale to any branch of the armed forces of the United States, or to
19 a law enforcement agency in this State for use by that agency or its employees,
20 provided the manufacturer is properly licensed under federal, state and local laws.

21 (3) The sale or transfer of an assault weapon by a dealer that is
22 properly licensed under federal, state and local laws to any branch of the armed
23 forces of the United States, or to a law enforcement agency in this State for use by
24 that agency or its employees for law enforcement purposes.

25 (c) Any person who, prior to the effective date of this law, was legally in
26 possession of an assault weapon shall have 120 days from such effective date to do
27 any of the following without being subject to prosecution:

28 (1) Remove the assault weapon from the State;

1 (2) Sell the assault weapon to a licensed firearms dealer;

2 (3) Surrender the assault weapon to the appropriate law enforcement
3 agency for destruction [subject to specific agency regulations]; or

4 (4) Render the assault weapon permanently inoperable

5 (d) Persons acquiring an assault weapon by inheritance, bequest, or
6 succession shall, within 120 days of acquiring title, do one of the following:

7 (1) Surrender the assault weapon to the appropriate law enforcement
8 agency for destruction;

9 (2) Transfer the assault weapon to a firearms dealer who is properly
10 licensed under federal, state and local laws; or

11 (3) Modify the assault weapon to render it permanently inoperable.

12
13 Sec. 4. Penalties

14
15 (a) Any person violating any of the provisions of this Chapter shall be guilty
16 of a felony, punishable by a fine of not less than \$1,000 or by imprisonment for a
17 period no less than one year, or both. Such person shall be guilty of a separate
18 offense for each and every day during any portion of which a violation of any
19 provision of this Chapter is committed or continued by such person, and shall be
20 punishable accordingly.

21
22 (b) In addition to any other penalty or remedy, the Department shall report
23 any violation of this Chapter by a licensed firearms dealer to the Bureau of
24 Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice
25 and to the relevant State agency.

26
27 (c) In addition to any other penalty or remedy, the State shall have the
28 authority, after notice and a hearing, to revoke the permit of any licensed firearms
29 dealer found to be in violation of this Chapter.

30
31 Sec. 5. Severability

1 If any provision or term of this Chapter is for any reason declared unconstitutional
2 or invalid or ineffective by any court of competent jurisdiction, such decision shall
3 not affect the validity or the effectiveness of the remaining portions of this Chapter
4 or any part thereof. The State hereby declares that it would have adopted this
5 Chapter notwithstanding the unconstitutionality, invalidity or ineffectiveness of
6 any one or more of its articles, sections, subsections, sentences or clauses.

7

8

9 **Chapter ____ . BANNING LARGE CAPACITY AMMUNITION**
10 **MAGAZINES**

11

12 Sec. 1. Findings and Purpose

13

14 The State hereby finds and declares:

15 (a) Large capacity ammunition magazines (generally defined as magazines
16 capable of holding more than 10 rounds) are feeding devices that and may hold as
17 many as 100 rounds of ammunition.

18 (b) Large capacity ammunition magazines have been the tools of choice in
19 many mass shootings of innocent civilians, including those described below:

20 (1) Newtown, Connecticut, December 14, 2012: Adam Lanza killed
21 26 and wounded 2 at Sandy Hook Elementary School. Twenty of the dead were
22 young children. Lanza was armed with a Bushmaster AR-15 assault rifle, two
23 regular handguns, multiple 33-round magazines, and hundreds of rounds of
24 ammunition;

25 (2) Blacksburg, Virginia, April, 2007: Seung-Hui Cho killed 32 and
26 wounded 17 at Virginia Tech armed with a regular handgun and 15-round
27 ammunition magazines; and

28 (3) Columbine, Colorado, April 20, 1999: Eric Harris and Dylan
29 Klebold killed 12 and wounded 21 at Columbine High School. Klebold was armed
30 with a TEC-9 assault pistol and several large capacity ammunition magazines.

1 (c) In 1994, a federal ban on the manufacture, transfer, and possession large
2 capacity ammunition magazines was enacted. The law included a ten-year sunset
3 provision. In 2004, Congress allowed the law to expire. Seven states and the
4 District of Columbia currently ban large capacity ammunition magazines (with the
5 exception of Connecticut) at the state level. The District of Columbia ban does
6 not grandfather pre-ban weapons and the laws in Hawaii and New Jersey do not
7 grandfather pre-ban large capacity ammunition magazines.

8 (d) The expired federal assault weapon ban would have been even more
9 effective had it not contained major loopholes that allowed manufacturers to easily
10 evade the ban;

11 (e) Large capacity ammunition magazines are inappropriate for civilian use,
12 because they allow a shooter to fire a large number of rounds rapidly. A firearm
13 that can accept a detachable magazine allows a shooter to attach magazines of any
14 size available for the firearm. In some cases, magazines can hold as many as 100
15 rounds. Even smaller detachable magazines greatly increase firepower since the
16 firearm can be reloaded with pre-filled magazines in seconds;

17 (f) Laws banning large capacity ammunition magazines are consistent with
18 the Supreme Court's interpretation of the Second Amendment. In the 2008 ruling
19 in *District of Columbia v. Heller*, the United States Supreme Court stated for the
20 first time that the Second Amendment protects a law-abiding citizen's right to
21 possess an operable handgun in the home for self-defense. The Court noted,
22 however, that the right is limited. Among other limitations, the Court recognized
23 that the Second Amendment would not preclude banning "dangerous and unusual
24 weapons" such as M-16 rifles;

25 (g) After the *Heller* decision, the District of Columbia adopted a set of
26 strong new gun laws, including a measure prohibiting the possession of large
27 capacity ammunition magazines. In 2011, the D.C. Circuit Court of Appeals
28 upheld these laws against a Second Amendment challenge; and,

29 (h) The wide availability of large capacity ammunition magazines is a
30 serious risk to public health and safety.

1 Sec. 2. Definitions

2 For purposes of this Chapter --

3 (a) "Detachable Magazine" means an ammunition feeding device that can be
4 loaded or unloaded while detached from a firearm and readily inserted into a
5 firearm.

6 (b) "Large capacity ammunition magazine" means any ammunition feeding
7 device with the capacity to accept more than 10 rounds, or any conversion kit, part,
8 or combination of parts, from which such a device can be assembled if those parts
9 are in the possession or under the control of the same person, but shall not be
10 construed to include any of the following:

11 (1) A feeding device that has been permanently altered so that it
12 cannot accommodate more than 10 rounds.

13 (2) A 22 caliber tube ammunition feeding device.

14 (3) A tubular magazine that is contained in a lever-action firearm.

15

16 Sec. 3. Prohibitions

17 (a) No person, corporation or other entity in the State may manufacture,
18 import, possess, purchase, sell or transfer any large capacity magazine.

19 (b) Section (a) shall not apply to:

20 (1) Any government officer, agent, or employee, member of the
21 armed forces of the United States, or peace officer, to the extent that such person is
22 otherwise authorized to acquire or possess a large capacity magazine, and does so
23 while acting within the scope of his or her duties; or

24 (2) The manufacture of a large capacity ammunition magazine by a
25 firearms manufacturer for the purpose of sale to any branch of the armed forces of
26 the United States, or to a law enforcement agency in this State for use by that
27 agency or its employees, provided the manufacturer is properly licensed under
28 federal, state and local laws.

1 (3) The sale or transfer of a large capacity ammunition magazine by a
2 dealer that is properly licensed under federal, state and local laws to any branch of
3 the armed forces of the United States, or to a law enforcement agency in this State
4 for use by that agency or its employees for law enforcement purposes.

5 (4) An individual who lawfully possesses a large capacity
6 ammunition magazine if he or she is the lawful owner of a firearm for which no
7 magazine that holds 10 or less rounds of ammunition is compatible, if both the
8 magazine and the firearm were obtained prior to the effective date of this law. Such
9 a magazine may be possessed solely for use with the firearm and no individual
10 may possess more than three large capacity ammunition magazines.

11 (c) Any person who, prior to the effective date of this law, was legally in
12 possession of an assault weapon or large capacity ammunition magazine shall have
13 120 days from such effective date to do any of the following without being subject
14 to prosecution:

15 (1) Remove the large capacity ammunition magazine from the State;

16 (2) Sell the large capacity ammunition magazine to a licensed
17 firearms dealer;

18 (3) Surrender the large capacity ammunition magazine to the
19 appropriate law enforcement agency for destruction; or

20 (4) Dispose of the large capacity ammunition magazine.

21 (d) Persons acquiring a large capacity ammunition magazine by inheritance,
22 bequest, or succession shall, within 120 days of acquiring title, do one of the
23 following:

24 (1) Surrender the large capacity ammunition magazine to the
25 appropriate law enforcement agency for destruction; or

26 (2) Transfer the large capacity ammunition magazine to a firearms
27 dealer who is properly licensed under federal, state and local laws.

28
29 Sec. 4. Penalties

1 (a) Any person violating any of the provisions of this Chapter shall be guilty
2 of a felony, punishable by a fine of not less than \$1,000 or by imprisonment for a
3 period no less than one year, or both. Such person shall be guilty of a separate
4 offense for each and every day during any portion of which a violation of any
5 provision of this Chapter is committed or continued by such person, and shall be
6 punishable accordingly.

7
8 (b) In addition to any other penalty or remedy, the Department shall report
9 any violation of this Chapter by a licensed firearms dealer to the Bureau of
10 Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice
11 and to the relevant State agency.

12
13 (c) In addition to any other penalty or remedy, the State shall have the
14 authority, after notice and a hearing, to revoke the permit of any licensed firearms
15 dealer found to be in violation of this Chapter.

16
17 Sec. 5. Severability

18 If any provision or term of this Chapter is for any reason declared unconstitutional
19 or invalid or ineffective by any court of competent jurisdiction, such decision shall
20 not affect the validity or the effectiveness of the remaining portions of this Chapter
21 or any part thereof. The State hereby declares that it would have adopted this
22 Chapter notwithstanding the unconstitutionality, invalidity or ineffectiveness of
23 any one or more of its articles, sections, subsections, sentences or clauses.

24
25 **Chapter ____ . PROHIBITING FIREARM POSSESSION IN SCHOOLS**
26 **AND ON SCHOOL GROUNDS**

27
28 Sec. 1. Findings and Purpose

29
30 The State hereby finds and declares --

31
32 (1) In Newtown, Connecticut, on December 14, 2012: Adam Lanza
33 killed 26 and wounded 2 at Sandy Hook Elementary School. Twenty of the dead
34 were young children. Lanza was armed with a Bushmaster AR-15 assault rifle, two
35 regular handguns, multiple 33-round magazines, and hundreds of rounds of
36 ammunition;

1 (2) In Blacksburg, Virginia, on April 16, 2007: Seung-Hui Cho
2 killed 32 and wounded 17 at Virginia Tech armed with a regular handgun and 15-
3 round ammunition magazines;

4 (3) In Columbine, Colorado, on April 20, 1999: Eric Harris and
5 Dylan Klebold killed 12 and wounded 21 at Columbine High School. Klebold was
6 armed with a TEC-9 assault pistol and several large capacity ammunition
7 magazines;

8 (4) Violence, or the threat of violence, impedes the teaching and
9 learning process and thus student achievement. Schools are not battlegrounds.
10 They serve very specific functions for society, as places where children are
11 introduced to a social system and given the foundation for learning that will be
12 with them for the rest of their lives; and
13

14 (5) In order to ensure the safety of our families and communities, we
15 must seek reasonable legislation that controls the availability of firearms and
16 establishes a stronger.
17

18 Sec. 2. Definitions

19
20

21 As used in this Chapter --
22

23 (1) "Concealed" means entirely hidden from view.

24 (2) "Firearm" means any weapon or device designed to be used as a
25 weapon, which will, is designed to, or may readily be converted to expel a
26 projectile or projectiles by the action of an explosive, explosion, or other means of
27 combustion, or the frame or receiver of such a device, provided that the term
28 "firearm" shall not include an "antique firearm" as defined in 18 U.S.C. §
29 921(a)(16), or a weapon that has been rendered permanently inoperable (incapable
30 of being readily restored to a firing condition).
31

32 (3) "Licensed firearms dealer," "licensed dealer," or "dealer" means a
33 person who has a valid federal firearms dealer license, and all additional licenses
34 required by state or local law, to engage in the business of selling or transferring
35 firearms.
36

1 (4) “Person” means any individual, corporation, company, association, firm,
2 partnership, club, organization, society, joint stock company or other entity.
3

4 (5) “Unloaded” means there is no ammunition in the chamber or cylinder of
5 the firearm, and there is no ammunition, or clip, tube, speed loader, or magazine
6 that is compatible with the firearm and contains ammunition, on the person who is
7 carrying the firearm. A muzzle-loading firearm is loaded for purposes of this
8 Chapter if it is capped or primed and has a powder charge and ball, shot or
9 projectile in the barrel or cylinder.
10

11 (6) “school zone” means—
12

13 (a) in, or on the grounds of, a public, parochial or private school; or
14

15 (b) within a distance of 1,000 feet from the grounds of a public,
16 parochial or private school.
17

18 (7) “school” means a school which provides preschool, elementary, or
19 secondary education, as determined under State law.
20

21 Sec. 3. Restrictions on firearm possession in school zones 22

23 (a) It shall be unlawful for any individual knowingly to possess a firearm at
24 a place that the individual knows, or has reasonable cause to believe, is a school
25 zone.
26

27 (b) Subsection (a) does not apply to the possession of a firearm—
28

29 (1) On private property not part of school grounds;
30

31 (2) If the individual possessing the firearm is licensed to do so by the
32 State in which the school zone is located or a political subdivision of the State, and
33 the law of the State or political subdivision requires that, before an individual
34 obtains such a license, the law enforcement authorities of the State or political
35 subdivision verify that the individual is qualified under law to receive the license;
36

37 (3) That is—
38

39 (i) not loaded; and
40

1 (ii) in a locked container, or a locked firearms rack that is on a
2 motor vehicle;

3
4 (iii) by an individual for use in a program approved by a school
5 in the school zone;

6
7 (iv) by an individual in accordance with a contract entered into
8 between a school in the school zone and the individual or an employer of the
9 individual;

10
11 (v) by a law enforcement officer acting in his or her official
12 capacity; or

13
14 (vi) that is unloaded and is possessed by an individual while
15 traversing school premises for the purpose of gaining access to public or private
16 lands open to hunting, if the entry on school premises is authorized by school
17 authorities.

18
19 (c) (1) It shall be unlawful for any person, knowingly or with reckless
20 disregard for the safety of another, to discharge or attempt to discharge a firearm
21 that the person knows is a school zone.

22
23 (2) Subparagraph (1) shall not apply to the discharge of a firearm—

24
25 (A) on private property not part of school grounds;

26
27 (B) as part of a program approved by a school in the school
28 zone, by an individual who is participating in the program;

29
30 (C) by an individual in accordance with a contract entered into
31 between a school in a school zone and the individual or an employer of the
32 individual; or

33
34 (D) by a law enforcement officer acting in his or her official
35 capacity.

36
37
38 Sec. 7. Penalties

39

1 (a) Any person violating any of the provisions of this Chapter shall be guilty
2 of a misdemeanor, punishable by a fine of not more than \$1,000 or by
3 imprisonment for a period no more than one year, or both. Such person shall be
4 guilty of a separate offense for each and every day during any portion of which a
5 violation of any provision of this Chapter is committed or continued by such
6 person, and shall be punishable accordingly.

7
8 (b) In addition to any other penalty or remedy, the Department shall report
9 any violation of this Chapter by a licensed firearms dealer to the Bureau of
10 Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice
11 and to the relevant State agency.

12
13 (c) In addition to any other penalty or remedy, the State shall have the
14 authority, after notice and a hearing, to revoke the permit of any licensed firearms
15 dealer found to be in violation of this Chapter.

16
17 Sec. 8. Severability

18
19 If any section, subsection, sentence or clause of this Chapter is for any reason
20 declared unconstitutional or invalid or unenforceable by any court of competent
21 jurisdiction, such decision shall not affect the constitutionality, validity or
22 enforceability of the remaining portions of this Chapter or any part thereof. The
23 State hereby declares that it would have adopted this Chapter notwithstanding the
24 unconstitutionality, invalidity or unenforceability of any one or more of its
25 sections, subsections, sentences or clauses.

26