



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 11.2

**Meeting Date:** September 1, 2016

**Subject:** Adopt New Board Policy No. 3515.17: Firearms on School Grounds

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: September 15, 2016)
- Conference/Action
- Action
- Public Hearing

**Division:** Safe Schools

**Recommendation:** Adopt new Board Policy No. 3515.17, Firearms on School Grounds

**Background/Rationale:** SB 707 (Ch. 766, Statutes of 2015) amended Penal Code Sections 626.9 and 30310 to provide that a person with a concealed weapons license must obtain written permission of the Superintendent or designee in order to possess a firearm and/or ammunition on school grounds. District administrative discussions have resulted in a recommendation that there be no allowance for the carrying of concealed weapons by an individual with such a license on any SCUSD school grounds. As such, the proposed policy provides that no such permission shall be granted to any individual not otherwise authorized to carry a firearm or ammunition on school grounds (law enforcement officers, etc.)

**Financial Considerations:** N/A

**LCAP Goal(s):** Safe, Emotionally Healthy and Engaged Students

**Documents Attached:**

1. Executive Summary
2. Draft of Board Policy No. 3515.7
3. Penal Code 626.9 – Gun-Free School Zone Act of 1995

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Nina Delgadillo, Safe Schools Manager and  
Raoul Bozio, Legal Services Manager

**Approved by:** José L. Banda, Superintendent

Adopt New Board Policy No. 3515.17: Firearms on School Grounds  
September 1, 2016



SB 707 (Ch. 766, Statutes of 2015) amended Penal Code Sections 626.9 and 30310 to provide that a person with a concealed weapons license must obtain written permission of the

use the law now requires an affirmative action on the part of the District to  
concealed weapons permit holders to possess a firearm and/or ammunition  
, it is possible that District liability could be increased.

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carrying of concealed weapons by an individual with such a license on any  
nds. As such, the proposed policy provides that no such permission shall be  
ividual not otherwise authorized to carry a firearm or ammunition on school  
rcement officers, etc.)

the Gun-Free Safe School Zone Act as amended in 2015.

liable impact on the District budget

istent with the District's emphasis on providing a safe and secure school

**Sacramento City USD**  
**Board Policy**  
**Firearms On School Grounds**

BP 3515.7



# Penal Code

## Penal Code

### Gun-Free School Zone Act of 1995

PC 626.9 00626.009

(a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.

(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).

(c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:

(1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.

(2) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.

(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to Section 25615, 25625, 25630, or 25645.

(5) When the person holds a valid license to carry the firearm pursuant to Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6, who is carrying that firearm in an area that is not in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but within a distance of 1,000 feet from the grounds of



(B) By imprisonment in a county jail for not more than one year or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, in all cases other than those specified in subparagraph (A).

president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of



(Amended by Stats. 2015, Ch. 766, Sec. 1.)