

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1326

H.P. 839

House of Representatives, March 23, 2023

An Act to Increase School Security Through Design and Protocol

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative ANDREWS of Paris.
Cosponsored by Senator STEWART of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 14 MRSA c. 763** is enacted to read:

3 **CHAPTER 763**

4 **ACTIONS RELATED TO ACTIVE SHOOTINGS IN SCHOOLS**

5 **§8951. Liability**

6 Notwithstanding section 8111, if a teacher or staff member of a school keeps a door or
7 entryway to the school unlocked or open or allows an unauthorized person entry into the
8 school and the unauthorized person injures or kills a person in the school, the teacher or
9 staff member is liable to the person who was injured or killed or a family member of that
10 person under the provisions of this chapter and chapter 741.

11 **§8952. Damages**

12 Notwithstanding section 8104-D and section 8105, subsection 1, there is no limitation
13 on damages in an action brought pursuant to this chapter.

14 **§8953. Construction**

15 This chapter may not be construed to allow a person to sue a school, a school
16 administrative unit or any governmental entity operating a school.

17 **Sec. 2. 20-A MRSA §13** is enacted to read:

18 **§13. Features to defend against active shooters in schools**

19 **1. Training.** All teachers and school staff members must be trained on:

20 A. The features implemented in schools to defend against active shooters pursuant to
21 section 15908-C;

22 B. Criminal liability under subsection 2; and

23 C. Civil liability under Title 14, chapter 763.

24 **2. Class E crime.** An individual may not:

25 A. Keep a door or entryway to a school unlocked or open, including by using an object;
26 or

27 B. Allow an unauthorized person entry into a school.

28 A violation of this subsection is a Class E crime.

29 **Sec. 3. 20-A MRSA §15908-C** is enacted to read:

30 **§15908-C. Features to defend against active shooters**

31 Beginning January 1, 2024, new schools constructed in accordance with this chapter
32 and existing schools must meet the requirements of this section. The design of the schools
33 must include features that implement best practices to defend against active shooters
34 entering the building, including features relating to force protection, entry and egress
35 security and perimeter security and a steel dead bolt on all classroom doors.

SUMMARY

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This bill requires schools to include design features that implement best practices to defend against active shooters entering the building. It requires teachers and staff to be trained on these features. It provides that an individual in a school who keeps a door or entryway to the school unlocked or open or allows an unauthorized person entry into the school commits a Class E crime. It creates a cause of action under tort law against teachers and school staff members for keeping a door or entryway to a school open or unlocked or allowing an unauthorized person entry into the school if that person injures or kills someone inside the school.