

HOUSE BILL No. 2289

AN ACT concerning school safety; revising the definition of weapon; providing for suspension of the driver's license or privilege to drive of pupils for the commission of certain acts at school, on school property or at school-supervised activities; amending K.S.A. 2000 Supp. 72-89a01, 72-89c01 and 72-89c02 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 72-89c01 is hereby amended to read as follows: 72-89c01. As used in K.S.A. 2000 Supp. 72-89c01 and 72-89c02, and amendments thereto:

(a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) "School" means a public school or an accredited nonpublic school.

(c) "Public school" means a school operated by a unified school district organized under the laws of this state.

(d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.

(e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools or a designee of the superintendent and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(f) "Weapon" means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than ½ inch in diameter; (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star; (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (9) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun. The term "weapon" does not include within its meaning (1) an antique firearm; (2) any device which is neither designed nor redesigned for use as a weapon; (3) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks.

(g) "Controlled substance" has the meaning ascribed thereto in K.S.A. 65-4101, and amendments thereto.

(h) "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under authority of any federal or state law.

(i) "*Possession of a weapon, controlled substance or illegal drug*" means knowingly having direct physical control over a weapon, controlled substance or illegal drug or knowingly having the power and the intention at a given time to exercise dominion or control over a weapon, controlled substance or illegal drug.

Sec. 2. K.S.A. 2000 Supp. 72-89c02 is hereby amended to read as follows: 72-89c02. (a) ~~Whenever a pupil who has attained the age of 13 years has been expelled from school or suspended for an extended term in accordance with the statutory provisions contained in articles 89 or 89a of chapter 72 of Kansas Statutes Annotated, and such expulsion or extended term suspension was imposed upon the pupil for:~~

~~(1) found in possession of a weapon, controlled substance or illegal~~

drug at school, upon school property, or at a school-supervised activity;
~~or~~

~~(2) possession, use, sale or distribution of an illegal drug or a controlled substance at school, upon school property, or at a school supervised activity; or~~

~~(3) behavior at school, upon school property, or at a school supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, or has engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others,~~ the chief administrative officer of the school ~~from which the pupil was expelled or suspended shall make an immediate report of the pupil's act to the appropriate law enforcement agency. Upon receipt of the report, the law enforcement agency shall investigate the matter and shall give~~ written notice to the division of vehicles of the department of revenue of the ~~expulsion or suspension of act committed by the pupil. The notice of expulsion or suspension shall be given to the division of vehicles by the law enforcement agency within three days, excluding holidays and weekends, after imposition of the expulsion or suspension receipt of the report and shall include the pupil's name, address, date of birth, driver's license number, if available, and the reason or reasons for the expulsion or suspension a description of the act committed by the pupil. Upon receipt of notification of the suspension or expulsion of a pupil from school as provided in this section the notice,~~ the division of vehicles shall suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license. If the license has expired, the pupil may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the pupil's privilege to operate a motor vehicle is in effect. *If the pupil does not have a driver's license, the pupil's driving privileges shall be revoked. No Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year:*

~~(b) If a pupil who is expelled or suspended from school as provided in this section does not have a driver's license, the pupil's driving privileges shall be revoked. No Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year:~~

(1) Immediately following the date of receipt by the division of notification ~~from a law enforcement agency containing the description of the pupil's expulsion or suspension act,~~ if the pupil is eligible to apply for a *driver's license; or*

(2) after the date the pupil will be eligible to apply for a driver's license, if the pupil is not eligible to apply for a driver's license on the date of receipt of the notification.

~~(c) (b)~~ If the pupil's driving privileges have been revoked, suspended or canceled for another cause, the suspension or revocation required by this section shall apply consecutively to the previous revocation, suspension or cancellation.

(c) Upon suspension or revocation of a pupil's privilege to operate a motor vehicle as provided in this section, the division of vehicles shall immediately notify the pupil in writing. If the pupil makes a written request for hearing within 30 days after such notice of suspension or revocation, the division of vehicles shall afford the pupil an opportunity for a hearing as provided by K.S.A. 8-255, and amendments thereto, except that the scope of the hearing shall be limited to determination of whether there are reasonable grounds to believe the pupil was in possession of a weapon, controlled substance or illegal drug at school, upon school property, or at a school-supervised activity or was engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others.

(d) For the purposes of this section, the term driver's license includes, in addition to any commercial driver's license and any class A, B, C or M driver's license, any restricted license issued under K.S.A. 8-237, and

amendments thereto, any instruction permit issued under K.S.A. 8-239, and amendments thereto, and any farm permit issued under K.S.A. 8-296, and amendments thereto.

Sec. 3. K.S.A. 2000 Supp. 72-89a01 is hereby amended to read as follows: 72-89a01. As used in this act:

(a) “Board of education” means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) “School” means a public school or an accredited nonpublic school.

(c) “Public school” means a school operated by a unified school district organized under the laws of this state.

(d) “Accredited nonpublic school” means a nonpublic school participating in the quality performance accreditation system.

(e) “Chief administrative officer of a school” means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(f) “Federal law” means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.

(g) “Secretary of education” means the secretary of the United States department of education.

(h) “Weapon” means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than ½ inch in diameter; (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star; (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (9) any *electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun*. The term “weapon” does not include within its meaning (1) an antique firearm; (2) any device which is neither designed nor redesigned for use as a weapon; (3) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks.

Sec. 4. K.S.A. 2000 Supp. 72-89a01, 72-89c01 and 72-89c02 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.