

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2008

## HOUSE BILL No. 2816

By Committee on Judiciary

2-11

12 AN ACT concerning school districts; relating to school safety violations;  
13 amending K.S.A. 2007 Supp. 72-89c01 and 72-89c02 and repealing the  
14 existing sections.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2007 Supp. 72-89c01 is hereby amended to read  
18 as follows: 72-89c01. As used in K.S.A. 72-89c01 and 72-89c02, and  
19 amendments thereto:

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

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

24 (c) “Public school” means a school operated by a unified school dis-  
25 trict organized under the laws of this state.

26 (d) “Accredited nonpublic school” means a nonpublic school partic-  
27 ipating in the quality performance accreditation system.

28 (e) “Chief administrative officer of a school” means, in the case of a  
29 public school, the superintendent of schools or a designee of the super-  
30 intendent and, in the case of an accredited nonpublic school, the person  
31 designated as chief administrative officer by the governing authority of  
32 the school.

33 (f) “Weapon” means (1) any weapon which will or is designed to or  
34 may readily be converted to expel a projectile by the action of an explo-  
35 sive; (2) the frame or receiver of any weapon described in the preceding  
36 example; (3) any firearm muffler or firearm silencer; (4) any explosive,  
37 incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a  
38 propellant charge of more than four ounces, (D) missile having an explo-  
39 sive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar  
40 device; (5) any weapon which will, or which may be readily converted to,  
41 expel a projectile by the action of an explosive or other propellant, and  
42 which has any barrel with a bore of more than ½ inch in diameter; (6)  
43 any combination of parts either designed or intended for use in converting

1 any device into any destructive device described in the two immediately  
2 preceding examples, and from which a destructive device may be readily  
3 assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star;  
4 (8) any knife, commonly referred to as a switch-blade, which has a blade  
5 that opens automatically by hand pressure applied to a button, spring or  
6 other device in the handle of the knife, or any knife having a blade that  
7 opens or falls or is ejected into position by the force of gravity or by an  
8 outward, downward or centrifugal thrust or movement; (9) any electronic  
9 device designed to discharge immobilizing levels of electricity, commonly  
10 known as a stun gun. The term “weapon” does not include within its  
11 meaning (1) an antique firearm; (2) any device which is neither designed  
12 nor redesigned for use as a weapon; (3) any device, although originally  
13 designed for use as a weapon, which is redesigned for use as a signaling,  
14 pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance  
15 sold, loaned, or given by the secretary of the army pursuant to the pro-  
16 visions of section 4684(2), 4685, or 4686 of title 10 of the United States  
17 Code; (5) class C common fireworks.

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

20 (h) “Illegal drug” means a controlled substance but does not include  
21 a controlled substance that is legally possessed, used under the supervi-  
22 sion of a licensed health-care professional or used under authority of any  
23 federal or state law.

24 (i) “Possession of a weapon or illegal drug” means knowingly having  
25 direct physical control over a weapon or illegal drug or knowingly having  
26 the power and the intention at a given time to exercise dominion or  
27 control over a weapon or illegal drug.

28 ~~(j) “School safety violation” means: (1) The possession of a weapon  
29 or illegal drug at school, upon school property or at a school-supervised  
30 activity, or (2) an act or behavior committed at school, upon school prop-  
31 erty or at a school-supervised activity which resulted in, or was substan-  
32 tially likely to have resulted in, serious bodily injury to others.~~

33 ~~(k) “Law enforcement agency” means the police department of a city  
34 if the school safety violation occurs within the corporate limits of a city  
35 or the office of the county sheriff if the school safety violation occurs  
36 outside the corporate limits of a city.~~

37 ~~(l) (k) “Division” means the division of motor vehicles of the Kansas  
38 department of revenue.~~

39 Sec. 2. K.S.A. 2007 Supp. 72-89c02 is hereby amended to read as  
40 follows: 72-89c02. (a) Whenever a pupil who has attained the age of 13  
41 years has been expelled from school or suspended for an extended term  
42 in accordance with K.S.A. 72-8901 et seq. or 72-89a01 et seq., and amend-  
43 ments thereto, and such suspension or expulsion was imposed for com-

1 ~~mitting a school safety violation, the chief administrative officer of the~~  
2 ~~school from which the student was suspended or expelled shall notify the~~  
3 ~~appropriate law enforcement agency of the suspension or expulsion. The~~  
4 ~~notice shall be given within 10 days, excluding holidays and weekends,~~  
5 ~~after the imposition of the expulsion or suspension. The notice shall in-~~  
6 ~~clude the pupil's name, address, date of birth, driver's license number, if~~  
7 ~~available, a description of the school safety violation committed by the~~  
8 ~~pupil and the date the pupil was expelled or suspended for an extended~~  
9 ~~term. Following receipt of the notice, the law enforcement agency shall~~  
10 ~~notify the division of the suspension or expulsion. The notice shall be~~  
11 ~~given within 10 days, excluding holidays and weekends, of the date of~~  
12 ~~receipt of notice from the chief administrative officer of the school from~~  
13 ~~which the student was suspended or expelled. The notice shall include~~  
14 ~~the pupil's name, address, date of birth, driver's license number, if avail-~~  
15 ~~able, a description of the school safety violation committed by the pupil~~  
16 ~~and the date the pupil was expelled or suspended for an extended term~~  
17 *found in possession of a weapon or illegal drug at school, upon school*  
18 *property or at a school supervised activity or has engaged in an act or*  
19 *behavior, committed at school, upon school property, or at a school-su-*  
20 *perervised activity which resulted in, or was substantially likely to have*  
21 *resulted in, serious bodily injury to others, the chief administrative officer*  
22 *of the school shall make a report of the pupil's act to the appropriate law*  
23 *enforcement agency. The ~~notice~~ [report] shall be given ~~within~~ as soon*  
24 *as practicable[,] but not to exceed 10 days [from the date of the*  
25 *pupil's act,] excluding holidays and weekends[,] to the appropriate law*  
26 *enforcement agency. Upon receipt of the report, the law enforcement*  
27 *agency shall investigate the matter and give written notice to the division*  
28 *of the act committed by the pupil. The notice shall be given to the division*  
29 *of vehicles by the law enforcement agency ~~within~~ as soon as practicable*  
30 *but not to exceed 10 days, excluding holidays and weekends, after re-*  
31 *ceipt of the report and shall include the pupil's name, address, date of*  
32 *birth, driver's license number, if available, and a description of the act*  
33 *committed by the pupil. A copy of the notice also shall be given to the*  
34 *pupil and to the parent or guardian of the pupil.*

35 (b) If timely notice is not given to the appropriate law enforcement  
36 agency or to the division as specified in subsection (a), the division of  
37 vehicles shall not suspend the pupil's driver's license or privilege to op-  
38 erate a motor vehicle on the streets and highways of this state.

39 (c) If timely notice is given to the appropriate law enforcement  
40 agency and the division as specified in subsection (a), the division of ve-  
41 hicles immediately shall suspend the pupil's driver's license or privilege  
42 to operate a motor vehicle on the streets and highways of this state. The  
43 duration of the suspension shall be for a period of one year. Upon expi-

1 ration of the period of suspension, the pupil may apply to the division for  
2 return of the license. If the license has expired, the pupil may apply for  
3 a new license, which shall be issued promptly upon payment of the proper  
4 fee and satisfaction of other conditions established by law for obtaining a  
5 license unless another suspension or revocation of the pupil's privilege to  
6 operate a motor vehicle is in effect. If the pupil does not have a driver's  
7 license, the pupil's driving privileges shall be revoked. If timely notice is  
8 given to the appropriate law enforcement agency and the division as re-  
9 quired by subsection (a), no Kansas driver's license shall be issued to a  
10 pupil whose driving privileges have been revoked pursuant to this sub-  
11 section for a period of one year:

12 (1) Immediately following the date of receipt by the division of no-  
13 tification from a law enforcement agency containing the description of  
14 the pupil's act, if the pupil is eligible to apply for a driver's license; or

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

18 (d) If the pupil's driver's license or driving privilege has been revoked,  
19 suspended or canceled for another cause, the suspension or revocation  
20 required by this section shall apply consecutively to the previous revo-  
21 cation, suspension or cancellation.

22 (e) Upon suspension or revocation of a pupil's driver's license or driv-  
23 ing privilege to operate a motor vehicle as provided in this section, the  
24 division of vehicles shall immediately notify the pupil in writing. If the  
25 pupil makes a written request for hearing within 30 days after such notice  
26 of suspension or revocation, the division of vehicles shall afford the pupil  
27 an opportunity for a hearing as provided by K.S.A. 8-255, and amend-  
28 ments thereto, ~~except that~~. The scope of the hearing shall be limited to  
29 determination of whether: (1) Notice was given to the appropriate law  
30 enforcement agency and the division within the time specified in subsec-  
31 tion (a); or (2) *there are reasonable grounds to believe the pupil was in*  
32 *possession of a weapon or illegal drug at school, upon school property, or*  
33 *at a school-supervised activity or was engaged in behavior at school, upon*  
34 *school property, or at a school-supervised activity, which resulted in, or*  
35 *was substantially likely to have resulted in, serious bodily injury to others.*

36 (f) For the purposes of this section, the term driver's license includes,  
37 in addition to any commercial driver's license and any class A, B, C or M  
38 driver's license, any restricted license issued under K.S.A. 8-237, and  
39 amendments thereto, any instruction permit issued under K.S.A. 8-239,  
40 and amendments thereto, and any farm permit issued under K.S.A. 8-  
41 296, and amendments thereto.

42 Sec. 3. K.S.A. 2007 Supp. 72-89c01 and 72-89c02 are hereby  
43 repealed.

1     Sec. 4. This act shall take effect and be in force from and after its  
2     publication in the Kansas register.