

HOUSE BILL No. 1703

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-5.1-10; IC 31-37-5.

Synopsis: Psychological evaluation of children bringing guns to school. Requires a school administrator or other employee to notify a local law enforcement agency if a student is or has been in possession of a firearm on school property or a school bus. Requires a child who is taken into custody for possession of a firearm on school property or a school bus to be held in detention until a detention hearing. Requires a court to order a psychological evaluation of the child by a licensed physician or clinical psychologist to determine if the child is a danger to the child or others. Requires the person conducting the evaluation to provide a report to the court before the detention hearing.

Effective: July 1, 1999.

Cheney, Crosby, Ayres

January 26, 1999, read first time and referred to Committee on Education.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1703

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-5.1-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) As used in this
3 section, "firearm" has the meaning set forth in IC 35-47-1-5.
4 (b) As used in this section, "deadly weapon" has the meaning set
5 forth in IC 35-41-1-8. The term does not include a firearm.
6 (c) Notwithstanding section 14 of this chapter, a student who is:
7 (1) identified as bringing a firearm to school or on school
8 property; or
9 (2) in possession of a firearm on school property;
10 must be expelled for a period of at least one (1) calendar year, with the
11 return of the student to be at the beginning of the first school semester
12 after the end of the one (1) year period.
13 (d) The superintendent may, on a case-by-case basis, modify the
14 period of expulsion under subsection (c) for a student who is expelled
15 under this section.
16 (e) Notwithstanding section 14 of this chapter, a student who is:
17 (1) identified as bringing a deadly weapon to school or on school

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1 property; or

2 (2) in possession of a deadly weapon on school property;
3 may be expelled for a period of not more than one (1) calendar year.

4 (f) A superintendent shall notify the prosecuting attorney of the
5 county in which the school is located if a student is expelled under
6 subsection (c) or (e). Upon receiving notification under this subsection,
7 the prosecuting attorney shall begin an investigation and take
8 appropriate action.

9 (g) A student with disabilities (as defined in IC 20-1-6.1-7) who
10 possesses a firearm on school property is subject to procedural
11 safeguards under 20 U.S.C. 1415.

12 **(h) A school administrator or any other school employee who**
13 **reasonably believes that a student is or has been in possession of a**
14 **firearm on school property or a school bus shall immediately notify**
15 **a law enforcement agency in the county in which the school is**
16 **located. The law enforcement agency shall:**

17 **(1) begin an investigation and cause any appropriate action to**
18 **be taken under IC 31-37-5-3(c); and**

19 **(2) report the matter to the prosecuting attorney of the county**
20 **in which the school is located for further investigation, if**
21 **appropriate.**

22 SECTION 2. IC 31-37-5-3 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **Except as**
24 **provided in subsection (c)**, if a child is not taken into custody under
25 an order of the court, the law enforcement officer may release the child
26 or may release the child to the child's parent, guardian, or custodian
27 upon the person's written promise to bring the child before the juvenile
28 court at a time specified. However, the law enforcement officer may
29 place the child in detention if the law enforcement officer reasonably
30 believes that:

31 (1) the child is unlikely to appear before the juvenile court for
32 subsequent proceedings;

33 (2) the child has committed an act that would be murder or a
34 Class A or Class B felony if committed by an adult;

35 (3) detention is essential to protect the child or the community;

36 (4) the parent, guardian, or custodian:

37 (A) cannot be located; or

38 (B) is unable or unwilling to take custody of the child; or

39 (5) the child has a reasonable basis for requesting that the child
40 not be released.

41 (b) If a child is detained for a reason specified in subsection (a)(4)
42 or (a)(5), the child shall be detained under IC 31-37-7-1.



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1 (c) A law enforcement officer shall place in detention a child
 2 taken into custody for possession of a firearm on school property
 3 or a school bus, an act that would be a Class D felony under
 4 IC 35-47-9-2 if committed by an adult. The child shall be held in
 5 detention until a detention hearing is held under IC 31-37-6. The
 6 court shall order the child to undergo a psychological evaluation by
 7 a licensed physician or clinical psychologist to determine if the
 8 child is a clear and present danger to the child or others. The
 9 physician or psychologist conducting the evaluation shall provide
 10 a report of the evaluation to the court before the detention hearing.

11 SECTION 3. IC 31-37-5-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) **Except as**
 13 **provided in subsection (c)**, if the child was not taken into custody
 14 under an order of the court, an intake officer shall investigate the
 15 reasons for the child's detention. The intake officer shall release the
 16 child to the child's parent, guardian, or custodian upon the person's
 17 written promise to bring the child before the juvenile court at a time
 18 specified. However, the intake officer may place the child in detention
 19 if the intake officer reasonably believes that the child is a delinquent
 20 child and that:

- 21 (1) the child is unlikely to appear before the juvenile court for
 22 subsequent proceedings;
 23 (2) the child has committed an act that would be murder or a
 24 Class A or Class B felony if committed by an adult;
 25 (3) detention is essential to protect the child or the community;
 26 (4) the parent, guardian, or custodian:
 27 (A) cannot be located; or
 28 (B) is unable or unwilling to take custody of the child; or
 29 (5) the child has a reasonable basis for requesting that the child
 30 not be released.

31 (b) If a child is detained for a reason specified in subsection (a)(4)
 32 or (a)(5), the child shall be detained under IC 31-37-7-1.

33 (c) **An intake officer shall place in detention a child taken into**
 34 **custody for possession of a firearm on school property or a school**
 35 **bus, an act that would be a Class D felony under IC 35-47-9-2 if**
 36 **committed by an adult. The child shall be held in detention until a**
 37 **detention hearing is held under IC 31-37-6. The court shall order**
 38 **the child to undergo a psychological evaluation by a licensed**
 39 **physician or clinical psychologist to determine if the child is a clear**
 40 **and present danger to the child or others. The physician or**
 41 **psychologist conducting the evaluation shall provide a report of the**
 42 **evaluation to the court before the detention hearing.**



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