
SENATE BILL No. 35

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-6.1-3-7; IC 20-8.1-5.1-10.

Synopsis: School safety. Requires a school superintendent to immediately notify law enforcement authorities when a student brings a firearm onto school property or is in possession of a firearm on school property. Provides that the superintendent may give similar notice if a deadly weapon other than a firearm is involved. Requires a law enforcement agency that receives notice from a superintendent to investigate and take appropriate action. Removes a requirement that the superintendent notify the county prosecutor in similar situations. Requires the superintendent of a school corporation or equivalent authority of an accredited nonpublic school to notify the state superintendent of public instruction when the administrator knows that a current or former employee with a teacher's license has been convicted of an offense for which a teacher loses a license. (The introduced version of this bill was prepared by the interim study committee on education issues.)

Effective: July 1, 2000.

Clark

November 18, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 35

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-6.1-3-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) On the written
3 recommendation of the **state** superintendent of public instruction, the
4 board may revoke a license for:

- 5 (1) immorality;
6 (2) misconduct in office;
7 (3) incompetency; or
8 (4) willful neglect of duty.

9 However, for each revocation the board shall comply with IC 4-21.5-3.

10 (b) **The superintendent of a school corporation or equivalent**
11 **authority for an accredited nonpublic school shall immediately**
12 **notify the state superintendent of public instruction when the**
13 **person knows that a current or former licensed employee of the**
14 **school corporation or accredited nonpublic school has been**
15 **convicted of an offense listed in subsection (c).**

16 (c) The board, after holding a hearing on the matter, shall
17 permanently revoke the license of a person who is known by the board



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1 to have been convicted of any of the following offenses:

- 2 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 3 years of age.
 4 (2) Criminal deviate conduct (IC 35-42-4-2), if the victim is less
 5 than eighteen (18) years of age.
 6 (3) Child molesting (IC 35-42-4-3).
 7 (4) Child exploitation (IC 35-42-4-4(b)).
 8 (5) Vicarious sexual gratification (IC 35-42-4-5).
 9 (6) Child solicitation (IC 35-42-4-6).
 10 (7) Child seduction (IC 35-42-4-7).
 11 (8) Sexual misconduct with a minor (IC 35-42-4-9).
 12 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
 13 years of age.

14 ~~(e)~~ (d) A license may be suspended by the **state** superintendent of
 15 public instruction as specified in IC 20-6.1-4-13.

16 SECTION 2. IC 20-8.1-5.1-10 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) As used in this
 18 section, "firearm" has the meaning set forth in IC 35-47-1-5.

19 (b) As used in this section, "deadly weapon" has the meaning set
 20 forth in IC 35-41-1-8. The term does not include a firearm.

21 (c) Notwithstanding section 14 of this chapter, a student who is:

- 22 (1) identified as bringing a firearm to school or on school
 23 property; or
 24 (2) in possession of a firearm on school property;

25 must be expelled for a period of at least one (1) calendar year, with the
 26 return of the student to be at the beginning of the first school semester
 27 after the end of the one (1) year period.

28 (d) The superintendent may, on a case-by-case basis, modify the
 29 period of expulsion under subsection (c) for a student who is expelled
 30 under this section.

31 (e) Notwithstanding section 14 of this chapter, a student who is:

- 32 (1) identified as bringing a deadly weapon to school or on school
 33 property; or
 34 (2) in possession of a deadly weapon on school property;

35 may be expelled for a period of not more than one (1) calendar year.

36 (f) A superintendent shall **immediately** notify the **prosecuting**
 37 **attorney of the county in which appropriate law enforcement agency**
 38 **having jurisdiction over the property where the school is located if**
 39 **a student is expelled under engages in a behavior described in**
 40 **subsection (c). ~~or (e)~~: The superintendent may give similar notice if**
 41 **the student engages in a behavior described in subsection (e).** Upon
 42 receiving notification under this subsection, the **prosecuting attorney**

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1 **law enforcement agency** shall begin an investigation and take
2 appropriate action.

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

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