
SENATE BILL No. 37

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-5.1-10.

Synopsis: Firearms and weapons in schools. Requires a school superintendent to immediately notify law enforcement authorities when a student brings a firearm to 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. (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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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.

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SENATE BILL No. 37



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 20-8.1-5.1-10 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: 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



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 **immediately** notify the ~~prosecuting~~
 5 ~~attorney of the county in which~~ **appropriate law enforcement agency**
 6 **having jurisdiction over the property where** the school is located if
 7 a student is ~~expelled under~~ **engages in a behavior described in**
 8 subsection (c). ~~or (e):~~ **The superintendent may give similar notice if**
 9 **the student engages in a behavior described in subsection (e).** Upon
 10 receiving notification under this subsection, the ~~prosecuting attorney~~
 11 **law enforcement agency** shall begin an investigation and take
 12 appropriate action.
 13 (g) A student with disabilities (as defined in IC 20-1-6.1-7) who
 14 possesses a firearm on school property is subject to procedural
 15 safeguards under 20 U.S.C. 1415.

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