

# SENATE BILL No. 123

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-5.1-10; IC 20-10.1-30; IC 31-37-5; IC 35-47-9-2.

**Synopsis:** Students with weapons on school property. 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 school administrator or other school employee who reasonably believes that a student possesses a firearm on school property or a school bus to notify law enforcement. Applies to both public and nonpublic schools. 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. Requires an additional evaluation of the child to be conducted by a multidisciplinary team appointed by the child's school principal. Provides that the team must include the following members: (1) A representative from the child's school. (2) A representative from a local social services agency. (3) A probation officer. Requires each school to do the following: (1) Implement a plan to encourage students to report to a school administrator or teacher if a student reasonably believes that a person is in possession of a firearm or other weapon on school property. (2) Make drop boxes available within a school for a student to anonymously place written information about a person who brings a firearm or other weapon onto school property. (3) Establish an anonymous hotline, or designate an existing phone line to be used as an anonymous hotline, for students to report conduct involving firearms or weapons on school property. Amends the offense relating to the possession of a firearm on school property to apply to both public and nonpublic schools.

**Effective:** July 1, 2000.

## Breaux

January 20, 2000, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



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IN 123—LS 6041/DI 76+



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.

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## SENATE BILL No. 123



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, 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.



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

2 (1) identified as bringing a deadly weapon to school or on school  
3 property; or

4 (2) in possession of a deadly weapon on school property;

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

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

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

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

19 **(2) report the matter to the local prosecuting attorney for  
20 further investigation, if appropriate.**

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

24 SECTION 2. IC 20-10.1-30 IS ADDED TO THE INDIANA CODE  
25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2000]:

27 **Chapter 30. Protection Against Weapons in Schools**

28 **Sec. 1. Each school shall implement a plan to encourage students  
29 to report to a school administrator or teacher if the student  
30 reasonably believes that a person, excluding law enforcement, is in  
31 possession of a firearm or other weapon in, on, or within school  
32 property. However, the plan may not include a reward system.**

33 **Sec. 2. Each school shall place drop boxes within the school in  
34 which a student may anonymously place written information  
35 regarding:**

36 **(1) another student;**

37 **(2) a visitor to the school; or**

38 **(3) an inappropriate person;**

39 **who brings a firearm or other weapon onto school property. The  
40 principal of each school shall designate that certain school officials  
41 check the contents of the drop boxes throughout regular school  
42 hours.**



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1        **Sec. 3. Each school shall establish an anonymous hotline or**  
 2        **designate an existing phone line to be used as an anonymous hotline**  
 3        **for students to use to report conduct described in this chapter.**

4        SECTION 3. IC 31-37-5-3 IS AMENDED TO READ AS  
 5        FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) **Except as**  
 6        **provided in subsection (c)**, if a child is not taken into custody under  
 7        an order of the court, the law enforcement officer may release the child  
 8        or may release the child to the child's parent, guardian, or custodian  
 9        upon the person's written promise to bring the child before the juvenile  
 10       court at a time specified. However, the law enforcement officer may  
 11       place the child in detention if the law enforcement officer reasonably  
 12       believes that:

- 13            (1) the child is unlikely to appear before the juvenile court for  
 14            subsequent proceedings;  
 15            (2) the child has committed an act that would be murder or a  
 16            Class A or Class B felony if committed by an adult;  
 17            (3) detention is essential to protect the child or the community;  
 18            (4) the parent, guardian, or custodian:  
 19                    (A) cannot be located; or  
 20                    (B) is unable or unwilling to take custody of the child; or  
 21            (5) the child has a reasonable basis for requesting that the child  
 22            not be released.

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

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

35            (d) **In addition to the psychological evaluation under subsection**  
 36            **(c), the principal of the school where the child who has been taken**  
 37            **into custody is enrolled shall appoint a multidisciplinary team of**  
 38            **community representatives to conduct an evaluation of the child.**  
 39            **The team must include the following members:**

- 40            (1) **A representative from the school where the student under**  
 41            **evaluation is enrolled.**  
 42            (2) **A representative of a local social services agency.**



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1           **(3) A probation officer.**

2           **The representative under subdivision (2) shall evaluate the child's**  
 3           **home life. Each team member shall make a brief report regarding**  
 4           **the aspects of the child's life about which the team member is most**  
 5           **familiar. The principal or the principal's designee shall submit the**  
 6           **report to the court.**

7           SECTION 4. IC 31-37-5-5 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) **Except as**  
 9           **provided in subsection (c)**, if the child was not taken into custody  
 10          under an order of the court, an intake officer shall investigate the  
 11          reasons for the child's detention. The intake officer shall release the  
 12          child to the child's parent, guardian, or custodian upon the person's  
 13          written promise to bring the child before the juvenile court at a time  
 14          specified. However, the intake officer may place the child in detention  
 15          if the intake officer reasonably believes that the child is a delinquent  
 16          child and that:

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

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

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

39          SECTION 5. IC 35-47-9-2 IS AMENDED TO READ AS  
 40          FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. A person who  
 41          possesses a firearm:

- 42           (1) in or on school property of a public or nonpublic school;



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- 1 (2) in or on property that is being used by a school for a school
- 2 function; or
- 3 (3) on a school bus;
- 4 commits a Class D felony.

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