

SENATE BILL No. 129

AN ACT concerning schools; relating to certain school safety violations; amending K.S.A. 72-89c01 and 72-89c02 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

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

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

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

(c) “Public school” means a school operated by a unified school district organized under the laws of this state.

(d) “Accredited nonpublic school” means a nonpublic school participating in the quality performance accreditation system.

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

(f) “Weapon” means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than ½ inch in diameter; (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star; (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (9) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun. The term “weapon” does not include within its meaning (1) an antique firearm; (2) any device which is neither designed nor redesigned for use as a weapon; (3) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks.

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

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

(i) “Possession of a weapon, ~~controlled substance~~ or illegal drug” means knowingly having direct physical control over a weapon, ~~controlled substance~~ or illegal drug or knowingly having the power and the intention at a given time to exercise dominion or control over a weapon, ~~controlled substance~~ or illegal drug.

(j) “School safety violation” means: (1) *The possession of a weapon or illegal drug at school, upon school property or at a school-supervised activity; or (2) an act or behavior committed at school, upon school property or at a school-supervised activity which resulted in, or was substantially likely to have resulted in, serious bodily injury to others.*

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

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

Sec. 2. K.S.A. 72-89c02 is hereby amended to read as follows: 72-89c02. (a) ~~Whenever a pupil who has attained the age of 13 years has been found in possession of a weapon, controlled substance or illegal drug at school, upon school property, or at a school-supervised activity or has engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, the chief administrative officer of the school shall make an immediate report of the pupil’s act to the appropriate law enforcement agency. Upon receipt of the report, the law enforcement agency shall investigate the matter and give written notice to the division of vehicles of the department of revenue of the act committed by the pupil. The notice shall be given to the division of vehicles by the law enforcement agency within three days, excluding holidays and weekends, after receipt of the report and shall include the pupil’s name, address, date of birth, driver’s license number, if available, and a description of the act committed by the pupil. Upon receipt of the notice~~ *Whenever a pupil who has attained the age of 13 years has been expelled from school or suspended for an extended term in accordance with K.S.A. 72-8901 et seq. or 72-89a01 et seq., and amendments thereto, and such suspension or expulsion was imposed for committing a school safety violation, the chief administrative officer of the school from which the student was suspended or expelled shall notify the appropriate law enforcement agency of the suspension or expulsion. The notice shall be given within 10 days, excluding holidays and weekends, after the imposition of the expulsion or suspension. The notice shall include the pupil’s name, address, date of birth, driver’s license number, if available, a description of the school safety violation committed by the pupil and the date the pupil was expelled or suspended for an extended term. Following receipt of the notice, the law enforcement agency shall notify the division of the suspension or expulsion. The notice shall be given within 10 days, excluding holidays and weekends, of the date of receipt of notice from the chief administrative officer of the school from which the student was suspended or expelled. The notice shall include the pupil’s name, address, date of birth, driver’s license number, if available, a description of the school safety violation committed by the pupil and the date the pupil was expelled or suspended for an extended term. A copy of the notice also shall be given to the pupil and to the parent or guardian of the pupil.*

(b) *If timely notice is not given to the appropriate law enforcement agency or to the division as specified in subsection (a), the division of vehicles shall not suspend the pupil’s driver’s license or privilege to operate a motor vehicle on the streets and highways of this state.*

(c) *If timely notice is given to the appropriate law enforcement agency and the division as specified in subsection (a), the division of vehicles immediately shall suspend the pupil’s driver’s license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license. If the license has expired, the pupil may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the pupil’s privilege to operate a motor vehicle is in effect. If the pupil does not have a driver’s license, the pupil’s driving privileges shall be revoked. If timely notice is given to the appropriate law enforcement agency and the division as required by subsection (a), no Kansas driver’s license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year:*

(1) *Immediately following the date of receipt by the division of notification from a law enforcement agency containing the description of the pupil’s act, if the pupil is eligible to apply for a driver’s license; or*

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

~~(b)~~ (d) *If the pupil’s driving privileges have driver’s license or driving privilege has been revoked, suspended or canceled for another cause, the*

suspension or revocation required by this section shall apply consecutively to the previous revocation, suspension or cancellation.

~~(e)~~ (e) Upon suspension or revocation of a pupil's *driver's license or driving* privilege to operate a motor vehicle as provided in this section, the division of vehicles shall immediately notify the pupil in writing. If the pupil makes a written request for hearing within 30 days after such notice of suspension or revocation, the division of vehicles shall afford the pupil an opportunity for a hearing as provided by K.S.A. 8-255, and amendments thereto, except that the scope of the hearing shall be limited to determination of whether ~~there are reasonable grounds to believe the pupil was in possession of a weapon, controlled substance or illegal drug at school, upon school property, or at a school-supervised activity or was engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others~~ notice was given to the appropriate law enforcement agency and the division within the time specified in subsection (a).

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

Sec. 3. K.S.A. 72-89c01 and 72-89c02 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.