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MEMORANDUM

To: Chairman Pauls
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: January 26, 2016

Subject: HB 2468 – Authorizing possession of air guns on school property.

House Bill No. 2468 makes amendments to the law commonly known as the Weapons-Free Schools Act. Generally, this act requires each school district to adopt a policy mandating expulsion of a student for at least one year if the student is found to be in possession of a weapon on school premises or at a school sponsored activity. HB 2468 makes two changes to this act.

First, HB 2468 amends the definition of “weapon” to exclude air guns. The term “air gun” is defined in the bill on page 3, starting in line 3, as a device designed to expel a projectile by the release of compressed air or gas. Under the bill, such devices would not be considered weapons, and therefore, the mandated expulsion policy would not apply to any student possessing such a device. However, school districts could still prohibit the possession of such devices subject to the limitations of new section 1 of the bill.

Second, the bill creates a new section 1 which would prohibit a school district from prohibiting an organization from conducting activities on school property solely because the organization’s activities include the use of air guns. The term “organization” here refers to community organizations that often utilize school property for events outside of regular school hours. Under the bill a school district could not restrict an organization’s use of school property because the organization’s activities would include the use of air guns. However, a school district could still restrict use of school property by any organization regardless of the nature of organization’s activities.

Section 1 of the bill also allows school districts to prohibit the possession of air guns by students unless such possession is in conjunction with an organization’s activities, or the student is in transit to or from such activities. The school district may require the parents of any student

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participating in such activities to sign a liability waiver relieving the school district and all school personnel from liability for any claim arising out of the organization's activities. Finally, the bill prohibits a school district from requiring the organization obtain liability insurance for such activities, or pay any portion of a premium for such insurance if obtained by the school district.

If enacted, the provisions of HB 2468 would become effective on July 1, 2016.