



**House
Legislative
Analysis
Section**

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WEAPONS: POLICE CONFISCATE

House Bill 4158 with committee
amendment
Revised First Analysis (2-15-95)

Sponsor: Rep. Sandra Hill
Committee: Education

THE APPARENT PROBLEM:

An incident reported to have occurred in the 47th legislative district, in which a school official returned a weapon discovered on school grounds to a member of the student's family, has prompted the introduction of legislation requiring school officials to turn confiscated weapons over to a local law enforcement agency.

THE CONTENT OF THE BILL:

Under the bill, which would amend the School Code, a school official who found a dangerous weapon in the possession of a student could confiscate the weapon or else request a law enforcement agency to respond as soon as possible and confiscate the weapon. If a school official did confiscate a weapon, he or she would have to give it to a law enforcement agency and could not release the weapon to another person, including its legal owner. A school official who complied with the bill's provisions in good faith would not be civilly or criminally liable for that compliance.

(The bill would amend a provision in the code added in 1987 which requires the superintendent of a local or intermediate school district [or a designee] to immediately notify a student's parents or guardian and local law enforcement when a dangerous weapon was found in the possession of the student while the student was attending school or a school activity or while he or she was en route to or from school on a school bus. The term "dangerous weapon" is defined in this section as "a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.")

MCL 380.1313

FISCAL IMPLICATIONS:

The bill would have no fiscal impact on the state, according to the Department of Education. (2-6-95)

ARGUMENTS:

For:

The bill would require that weapons found in the possession of a student be confiscated and turned over to a law enforcement agency and not returned by school officials to anyone else, including the legal owner. This is the appropriate response in such circumstances. The bill would provide legal protection to school officials who followed this procedure.

Against:

The concern has been raised that this could jeopardize the ability of the owner of the weapon to get it back.

Response:

The weapon belongs in the hand of the police, at least initially. They can determine when and how to return it. It might, for example, be needed as evidence if the weapon was stolen.

POSITIONS:

There are no positions at present.

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