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BILL



ANALYSIS

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House Bill 4158 (as reported by the Committee of the Whole)

Sponsor: Representative Sandra Hill

House Committee: Education

Senate Committee: Education

CONTENT

The bill would amend the School Code to provide that a school official who found a dangerous weapon in a pupil's possession could confiscate the weapon or would have to request a law enforcement agency to respond as soon as possible and confiscate the dangerous weapon. If a school official confiscated a dangerous weapon, he or she would have to give the weapon to a law enforcement agency and could not release it to any other person, including the legal owner of the weapon. The bill specifies that a school official who complied in good faith with this provision would not be civilly or criminally liable for that compliance.

A law enforcement agency that took possession of a dangerous weapon under this provision would have to check all available local and State stolen weapon and property files and the National Crime Information Center stolen gun and property files to determine the legal owner of the weapon. If the dangerous weapon were a pistol, the law enforcement agency also would have to check the State pistol registration records to determine the legal owner. If the law enforcement agency were able to determine the weapon's legal owner, and if the legal owner did not knowingly provide the weapon to the pupil or lawfully provided the dangerous weapon to the pupil but did not know or have reason to know that the pupil would possess the dangerous weapon while attending school or a school activity or while en route to or from school on a school bus, the law enforcement agency would have to send by certified mail to the legal owner a notice that the agency possessed the dangerous weapon and that the legal owner had 90 days from receiving the notice to claim the dangerous weapon.

The bill would take effect August 1, 1995.

(Currently under the Code, if a student is found possessing a dangerous weapon while he or she is attending school or a school activity, or while he or she is en route to or from school on a school bus, the superintendent of the local or intermediate school district, or his or her designee, must immediately report that finding to the pupil's parent or legal guardian and the local law enforcement agency. The Code defines "dangerous weapon" as a firearm, dagger, dirk, stiletto, knife with a blade more than three inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.)

MCL 380.1313

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-16-95

Fiscal Analyst: A. Rich

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.