

GENERAL ASSEMBLY OF NORTH CAROLINA

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HOUSE BILL 1154  
Committee Substitute Favorable 4/26/99  
Senate Education/Higher Education Committee Substitute Adopted 7/8/99  
Fourth Edition Engrossed 7/12/99

Short Title: Weapons at School/Law Clarified.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A ONE-YEAR SUSPENSION FOR ANY STUDENT WHO BRINGS OR POSSESSES A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR AT A SCHOOL-SPONSORED CURRICULAR OR EXTRACURRICULAR ACTIVITY OFF EDUCATIONAL PROPERTY AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391(d1), as rewritten by Section 6 of S.L. 1999-257, reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 calendar days any student ~~who brings who:~~

(1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or

(2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), and ~~14-269.2(g), onto educational property.~~ 14-269.2(g). The local board of education upon recommendation by the

1 superintendent may modify this suspension requirement on a case-by-case basis that  
2 includes, but is not limited to, the procedures established for the discipline of students  
3 with disabilities and may also provide, or contract for the provision of, educational  
4 services to any student suspended pursuant to this subsection in an alternative school  
5 setting or in another setting that provides educational and other services."

6 Section 2. Effective December 1, 1999, G.S. 115C-391(d1), as rewritten by  
7 Section 1 of this act, reads as rewritten:

8 "(d1) A local board of education or superintendent shall suspend for 365 calendar  
9 days any student who:

- 10 (1) Brings onto educational property or to a school-sponsored curricular or  
11 extracurricular activity off educational property, or  
12 (2) Possesses on educational property or at a school-sponsored curricular or  
13 extracurricular activity off educational property,

14 a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), ~~and 14-269.2(g)-14-269.2(g), and~~  
15 14-269.2(h). The local board of education upon recommendation by the superintendent  
16 may modify this suspension requirement on a case-by-case basis that includes, but is not  
17 limited to, the procedures established for the discipline of students with disabilities and  
18 may also provide, or contract for the provision of, educational services to any student  
19 suspended pursuant to this subsection in an alternative school setting or in another setting  
20 that provides educational and other services."

21 Section 3. G.S. 115C-391(d3), as enacted by Section 7 of S.L. 1999-257, reads  
22 as rewritten:

23 "(d3) A local board of education shall suspend for 365 calendar days any student  
24 who, by any means of communication to any person or group of persons, makes a report,  
25 knowing or having reason to know the report is false, that there is located on educational  
26 property or at a school-sponsored curricular or extracurricular activity off educational  
27 property any device designed to destroy or damage property by explosion, blasting, or  
28 burning, or who, with intent to perpetrate a hoax, conceals, places, or displays any device,  
29 machine, instrument, or artifact on educational property or at a ~~school-related~~-school-  
30 sponsored curricular or extracurricular activity ~~on or~~ off educational property, so as to  
31 cause any person reasonably to believe the same to be a bomb or other device capable of  
32 causing injury to persons or property. The local board upon recommendation by the  
33 superintendent may modify either suspension requirement on a case-by-case basis that  
34 includes, but is not limited to, the procedures established for the discipline of students  
35 with disabilities and may also provide, or contract for the provision of, educational  
36 services to any student suspended under this subsection in an alternative school setting or  
37 in another setting that provides educational and other services. For purposes of this  
38 subsection and subsection (d1) of this section, the term 'educational property' has the  
39 same definition as in G.S. 14-269.2(a)(1)."

40 Section 4. Effective July 1, 2000, G.S. 20-11(n1) as created in Section 2 of  
41 S.L. 1999-243, reads as rewritten:

42 "(n1) Lose Control; Lose License.

- 43 (1) The following definitions apply in this subsection:

- 1 a. Applicable State entity. – The State Board of Education for  
2 public schools and charter schools, the State Board of  
3 Community Colleges for community colleges, or the Secretary of  
4 Administration for nonpublic schools and home schools.
- 5 b. Certificate. – A driving eligibility certificate that meets the  
6 conditions of subsection (n) of this section.
- 7 c. Disciplinary action. – An expulsion, a suspension for more than  
8 10 consecutive days, or an assignment to an alternative  
9 educational setting for more than 10 consecutive days.
- 10 d. Enumerated student conduct. – One of the following behaviors  
11 that results in disciplinary action:
- 12 1. The possession or sale of an alcoholic beverage or an  
13 illegal controlled substance on school property.
- 14 2. ~~The possession or use~~ The bringing, possession, or use on  
15 school property of a weapon or firearm that resulted in  
16 disciplinary action under G.S. 115C-391(d1) or that could  
17 have resulted in that disciplinary action if the conduct had  
18 occurred in a public school.
- 19 3. The physical assault on a teacher or other school  
20 personnel on school property.
- 21 e. School. – A public school, charter school, community college,  
22 nonpublic school, or home school.
- 23 f. School administrator. – The person who is required to sign  
24 certificates under subdivision (4) of subsection (n) of this section.
- 25 g. School property. – The physical premises of the school, school  
26 buses or other vehicles under the school's control or contract and  
27 that are used to transport students, and school-sponsored ~~or~~  
28 ~~school-related curricular or extracurricular~~ activities that occur on  
29 or off the physical premises of the school.
- 30 h. Student. – A person who desires to obtain a permit or license  
31 issued under this section."

32 Section 5. This act is effective when it becomes law.