



2009 SENATE BILL 449

January 7, 2010 – Introduced by Senators HOLPERIN, LEHMAN, GROTHMAN, TAYLOR and OLSEN, cosponsored by Representatives HRAYCHUCK, STASKUNAS, KESTELL, SUDER, TURNER, BROOKS, BIES and MURSAU. Referred to Committee on Education.

1 **AN ACT** *to amend* 120.13 (1) (bm) and 120.13 (1) (c) 2m.; and *to create* 120.13
2 (1) (cm) of the statutes; **relating to:** possession of a firearm at school or under
3 the supervision of a school authority.

Analysis by the Legislative Reference Bureau

Under current law, with one exception relating to hunting in a school forest, a public school pupil must be suspended from school if the school district administrator or a principal or teacher designated by the administrator finds that the pupil possessed a firearm while at school or at a school function, and the school board must commence a proceeding to expel the pupil from school for not less than one year.

This bill provides that the above requirements regarding suspension and expulsion do not apply to any of the following:

1. A firearm lawfully stored in a locked vehicle on school property.
2. Possession of a firearm for an activity approved and authorized by a school board if the school board has adopted appropriate safeguards to ensure pupil safety.

The addition of these exceptions makes state law consistent with the federal Gun-Free Schools Act. See 20 USC 7151.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 120.13 (1) (bm) of the statutes is amended to read:

SENATE BILL 449**SECTION 1**

1 120.13 (1) (bm) The Subject to par. (cm), the school district administrator or any
2 principal or teacher designated by the school district administrator shall suspend a
3 pupil under par. (b) if the school district administrator, principal or teacher
4 determines that the pupil, while at school or while under the supervision of a school
5 authority, possessed a firearm, as defined in 18 USC 921 (a) (3). ~~This paragraph does
6 not apply to the possession of a firearm while legally hunting in a school forest if
7 allowed under s. 120.13 (38).~~

8 **SECTION 2.** 120.13 (1) (c) 2m. of the statutes is amended to read:

9 120.13 (1) (c) 2m. The Subject to par. (cm), the school board shall commence
10 proceedings under subd. 3. and expel a pupil from school for not less than one year
11 whenever it finds that the pupil, while at school or while under the supervision of a
12 school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the
13 school board shall report to the department the information specified under 20 USC
14 8921 (d) (1) and (2). ~~This subdivision does not apply to the possession of a firearm
15 while legally hunting in a school forest if allowed under s. 120.13 (38).~~

16 **SECTION 3.** 120.13 (1) (cm) of the statutes is created to read:

17 120.13 (1) (cm) Paragraphs (bm) and (c) 2m. do not apply to any of the following:

18 1. Possession of a firearm while legally hunting in a school forest, if allowed
19 under sub. (38).

20 2. A firearm lawfully stored in a locked vehicle on school property.

21 3. Possession of a firearm for an activity approved and authorized by the school
22 board if the school board has adopted appropriate safeguards to ensure pupil safety.

23 **(END)**