

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2816

As Amended by House Committee of the Whole

Brief*

HB 2816 would amend current law regarding school safety violations. If a student who is 13 years of age or older is found in possession of a weapon or illegal drugs at school or a school supervised activity, or has engaged in conduct that could result in serious bodily harm, the chief administrator of the school would be required to make a report to the appropriate law enforcement agency. The report must be given to a law enforcement agency as soon as practicable, but not more than ten days from the date of the pupil's act, excluding holidays and weekends. Upon receipt of the report, the law enforcement agency would investigate the incident and give written notice to the Division of Vehicles as soon as practicable, but not more than ten days after receipt of the report. The Division of Vehicles would then immediately suspend the student's driver's license or privilege to operate a motor vehicle in Kansas for up to one year.

Upon suspension of the student's driving privileges, the Division of Vehicles would notify the student in writing. If the student makes a written request for a hearing within 30 days, the Division would afford the student an opportunity for a hearing to determine whether the ten-day notice was given to the appropriate law enforcement agency and the Division of Vehicles regarding the incident. The bill would expand the scope of the hearing to determine if there are reasonable grounds to believe the student was not in possession of a weapon or illegal drugs, or if the conduct could have resulted in serious bodily harm, as outlined in the incident report.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

Randy Combs, Kearny County Sheriff's Office, appeared in support of the bill. Cindy Kelly also spoke in favor of the measure.

The House Committee amendment added the notice provision "as soon as practicable, but not to exceed" ten days.

The House Committee of the Whole amendments did the following:

- Inserted the word "report" to replace "notice;"
- Added the language "from the date of the pupil's act" to clarify when the report needs to be given; and
- Made technical and cleanup changes.

The fiscal note says the bill has no effect on the State Department of Education and the Department of Revenue Driver Control Bureau processes could be handled within current resources.