

105TH CONGRESS
2D SESSION

S. 2169

To encourage States to require a holding period for any student expelled for bringing a gun to school.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 1998

Mr. WYDEN (for himself and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To encourage States to require a holding period for any student expelled for bringing a gun to school.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HOLDING PERIOD FOR STUDENTS BRINGING A**

4 **GUN TO SCHOOL.**

5 (a) IN GENERAL.—Notwithstanding section 222 of
6 the Juvenile Justice and Delinquency Prevention Act of
7 1974 (42 U.S.C. 5632) or any other provision of law, for
8 fiscal year 2000 and each fiscal year thereafter, the
9 amount that would otherwise be allocated to a State under
10 that section for a fiscal year shall be increased by 25 per-

1 cent, if the State has in effect a State law described in
2 subsection (b) by not later than the first day of that fiscal
3 year. Any additional amount made available to a State
4 under this subsection may be used by the State for preven-
5 tion and intervention programs related to school violence.

6 (b) STATE LAW DESCRIBED.—A State law is de-
7 scribed in this subsection if it requires that—

8 (1) any administrator or employee of a public
9 or private school who has reasonable cause to believe
10 that a student is or has been in possession of a fire-
11 arm while in or on the premises of a school building
12 in violation of Federal or State law, shall imme-
13 diately report the student's conduct to an appro-
14 priate law enforcement agency and to an appropriate
15 juvenile department or agency of the State;

16 (2) upon receipt of a report under paragraph
17 (1), the appropriate law enforcement agency shall
18 immediately cause an investigation to be made to de-
19 termine whether there is probable cause to believe
20 that the student, while in or on the premises of a
21 public building, possessed a firearm in violation of
22 Federal or State law;

23 (3) if a determination of probable cause is made
24 under paragraph (2)—

1 (A) the student shall immediately be de-
2 tained by the appropriate law enforcement
3 agency for not more than 72 hours in an appro-
4 priate juvenile justice setting for purposes of
5 psychological evaluation and for a judicial de-
6 termination (pursuant to a hearing) regarding
7 whether the student is a danger to himself or
8 herself or to others; and

9 (B) a parent, guardian, or other adult with
10 responsibility for the student shall be notified of
11 that detention and the purposes of that deten-
12 tion; and

13 (4) if the court makes a determination under
14 paragraph (3)(A) that the student is a danger to
15 himself or herself or others, the student shall be
16 placed in an appropriate juvenile justice setting to
17 receive professional psychological counseling.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be
20 necessary to carry out this section.

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