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House Bill 4428 (Substitute H-1 as reported without amendment)**Sponsor: Representative Bill Martin****First House Committee: Education****Second House Committee: Judiciary****Senate Committee: Criminal Justice, Urban Affairs, and Economic Development****Date Completed: 10-26-87****RATIONALE**

One of the most troubling problems in Michigan schools, particularly in impoverished urban areas, is that of students carrying weapons. A tragedy can occur even when there is no particular intention to use a weapon, such as when a child finds a gun at home and brings it to school to show friends. More alarming to many, though, is the frequency with which youths routinely carry weapons for both offensive and defensive use. Many believe that when school authorities discover a student carrying a weapon (or keeping one in a locker or car), school officials should notify parents and police so that they may be aware of a possible problem. Although many schools no doubt report such instances already, many consider the matter important enough to warrant a statutory mandate.

CONTENT

House Bill 4428 (H-1) would amend the School Code to require a school superintendent or his or her designee to notify immediately a student's parent or legal guardian and the local police when a dangerous weapon was found in the possession of the student while attending school or a school activity or enroute to or from school on a school bus. "Dangerous weapon" would be defined as "a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles".

Proposed MCL 380.1313

FISCAL IMPACT

The bill would have no fiscal impact on State government.

The bill would have an indeterminate impact on local units of government. Costs to local and intermediate school districts would depend on the number of students found to be in possession of a dangerous weapon, as well as the degree to which the reporting and record keeping provisions of this bill differed from a school district's current practice.

ARGUMENTS**Supporting Argument**

By ensuring that parents and police were informed whenever a student was found with a weapon, the bill would combat the juvenile crime problem in a simple but effective way. Parents would be involved almost immediately, and could begin to attempt to forestall further problems. Possession of a weapon is a law enforcement matter, not an educational issue, and it is important that police be told when a juvenile is found in possession of a weapon, so that they, too, may take appropriate measures.

Opposing Argument

The bill's potential effect is uncertain, at best. Many schools already notify parents when a student is found with a weapon, and the bill simply could serve to involve police prematurely in what was essentially a school disciplinary problem. Further, it could increase the liability exposure of school administrators: if the required reporting were not done, and a student later were involved in an incident involving a weapon, the superintendent and others subsequently could find themselves subject to liability.

Opposing Argument

A requirement to report such incidents could harm a child's progress in the future. A charge of possession of a weapon in school on a person's record, even if the child never attempted to use the weapon in any way, could hinder that person's chances when applying for college admission or jobs. While possession of weapons in school potentially could be a serious problem, the child should not have to carry the burden of that mistake throughout his or her lifetime.

Response: The bill, as introduced, contained a record-keeping requirement, but that provision was removed from the substitute. Also, the law already contains sufficient protections of a child's juvenile criminal record. Juvenile court records are confidential, so could not be made available to individuals who might make inquiries into them. In fact, such records can be expunged if the child meets specific requirements of avoiding further criminal convictions after reaching adulthood. In addition, most law enforcement agencies, as a matter of departmental policy, use the same confidentiality standards for a juvenile's police record as the Probate Court does for trial records, and even if information regarding arrests or suspicion of criminal activity is obtained, records of convictions are kept confidential under court rules. Finally, a student's school record is confidential and can be released only with consent.

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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.

H.B. 4428 (10-26-87)