

2009 DRAFTING REQUEST

Bill

Received: **08/25/2009**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Liz Novak**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **TKK
MGG**

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Possession of firearms in school

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 08/25/2009 pgrant 11/23/2009	jdyer 09/01/2009 kfollett 11/24/2009	jfrantze 09/01/2009	_____	sbasford 09/01/2009	mbarman 10/01/2009	
/2			jfrantze 11/25/2009	_____	cduerst 11/25/2009	mbarman 11/30/2009	

FE Sent For: **NONE**

<END>

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May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Firearms in schools for hunter education program

Instructions:

See attached

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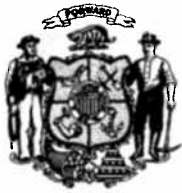
See attached

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1/?	mglass	1/9 jld	do 9/11	9 ph/jk			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3317/1

MGG:....

W
8/25

RMR
JLD

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

X

Gen

designated
by the
admini-
strator

1 AN ACT ...; relating to: exemption for the possession and discharge of firearms
2 in and around schools for persons participating in the hunter education
3 program administered by the department of natural resources.

or a

the

Analysis by the Legislative Reference Bureau

Under current law, a pupil in a public school must be suspended if the school district administrator, principal, or teacher 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 for not less than one year. This bill provides an exemption for a pupil who possesses a firearm in order to participate in a class under the hunter education program administered by the Department of Natural Resources.

*
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*

A person who possesses or discharges a firearm on the grounds of a public or private school or within 1,000 feet of the grounds (school zone) is subject to imprisonment or a fine or both. This bill provides an exemption for the possession and discharge by a person participating in the hunter education program.

*

of a firearm in a school zone

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:

1 120.13 (1) (bm) The school district administrator or any principal or teacher
 2 designated by the school district administrator shall suspend a pupil under par. (b)
 3 if the school district administrator, principal or teacher determines that the pupil,
 4 while at school or while under the supervision of a school authority, possessed a
 5 firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to a pupil
 6 who possesses a firearm in order to participate in the hunter education program
 7 conducted under s. 29.591. This paragraph does not apply to the possession of a
 8 firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; 2007 a. 20 ss. 2738, 9121 (6) (a); 2007 a. 36, 70, 97; 2009 a. 14, 28.

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

10 120.13 (1) (c) 2m. The school board shall commence proceedings under subd.
 11 3. and expel a pupil from school for not less than one year whenever it finds that the
 12 pupil, while at school or while under the supervision of a school authority, possessed
 13 a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report
 14 to the department the information specified under 20 USC 8921 (d) (1) and (2). This
 15 subdivision does not apply to a pupil who possesses a firearm in order to participate
 16 in the hunter education program conducted under s. 29.591. This subdivision does
 17 not apply to the possession of a firearm while legally hunting in a school forest if
 18 allowed under s. 120.13 (38).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; 2007 a. 20 ss. 2738, 9121 (6) (a); 2007 a. 36, 70, 97; 2009 a. 14, 28.

19 **SECTION 3.** 948.605 (2) (b) 4. of the statutes is amended to read:

Barman, Mike

From: Meinholz, Susan
Sent: Thursday, October 01, 2009 1:48 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3317/1 Topic: Firearms in schools for hunter education program

Please Jacket LRB 09-3317/1 for the SENATE.

Grant, Peter

From: Novak, Elizabeth
Sent: Monday, November 23, 2009 3:21 PM
To: Grant, Peter
Subject: Hunter education and guns in schools

Peter:

I talked with the Association of School Boards about your concerns with LRB 3317 relating to hunter educations programs in schools.

They sent me the following response from the federal government, guiding states and localities on the Gun-Free School Act:

Q16. Does the Gun-Free School Act preclude classes such as hunting safety or military education, or activities such as before- or after-school hunting, or rifle clubs, that may involve the handling or use of weapons?

A16. No. The statute specifically states that the requirements of the Gun-Free School Act (GFSA) do not apply to a firearm lawfully stored inside a locked vehicle on school property, or to activities approved and authorized by an local educational agency (LEA), provided that the LEA has adopted appropriate safeguards to ensure student safety.

The Secretary interprets the GFSA not to forbid school districts from allowing firearms at school when students intend to use firearms solely for before- or after-school hunting purposes, provided the school district's determination to permit firearms is made and disseminated in advance, as part of LEA policy, and is consistent with the intent and purposes of the GFSA to prevent violence and create an environment conducive to learning. For example, if a local school district approves an extra-curricular program such as a rifle club, or allows students to bring firearms solely for before- or after-school hunting, the activities would not violate the GFSA if the school district:

**--determines that the activity is consistent with the intent and purposes of the GFSA;
 --provides notice as part of its GFSA policy that the activities are approved and authorized; and
 --adopts appropriate safeguards to ensure student safety.**

If any firearms are to be allowed for these limited purposes, local school districts are cautioned to consider all applicable local, State, and Federal laws pertaining to the possession of firearms. In particular, school districts should be aware that Federal and some State laws prohibiting juveniles from possessing handguns may be applicable. School districts that permit students to bring firearms to school for these limited purposes must adopt appropriate safeguards to ensure student safety, consistent with the purposes of the GFSA.

Does this help us to fix the draft? Maybe you can make sense of this in comparison to the draft?

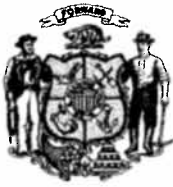
I'd be happy to discuss.

Thanks

Liz

Elizabeth Novak
 Office of Senator Jim Holperin
 State Capitol, 409 South
 (608)266-2509

11/23/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3317/1

MGG:jld:jf

505M

LRB-3317/2
PG jld & KJF

2009 BILL

1 AN ACT *to amend* 120.13 (1) (bm), 120.13 (1) (c) 2m., 948.605 (2) (b) 4. and
 2 948.605 (3) (b) 2. of the statutes; **relating to:** exemption for the possession and
 3 discharge of firearms in and around schools for persons participating in the
 4 hunter education program administered by the Department of Natural
 5 Resources. *possession of a firearm at school or under the supervision of a school authority.*

Analysis by the Legislative Reference Bureau

with one exception relating to hunting in a school forest
 Under current law, a pupil ~~in~~ in a public school must be suspended 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 for not less than one year. This bill provides an exemption for a pupil who possesses a firearm in order to participate in a class under the hunter education program administered by the Department of Natural Resources.

A person who possesses or discharges a firearm in or on the grounds of a public or private school or within 1,000 feet of the grounds (school zone) is subject to imprisonment or a fine or both. This bill provides an exemption for the possession

from school

BILL

and discharge of a firearm in a school zone by a person participating in the hunter education program

2A

Subject to par. (cm), the

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

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

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

*applied
active
reappear
or placed
by school
board*

who possesses a firearm in order to participate in the hunter education program
conducted under s. 29.591. ~~This paragraph does not apply to the possession of a
firearm while legally hunting in a school forest if allowed under s. 120.13 (38).~~

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

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

subdivision does not apply to a pupil who possesses a firearm in order to participate
17 in the hunter education program conducted under s. 29.591. ~~This subdivision does
18 not apply to the possession of a firearm while legally hunting in a school forest if
19 allowed under s. 120.13 (38).~~

20 SECTION 3. 948.605 (2) (b) 4. of the statutes is amended to read:

BILL

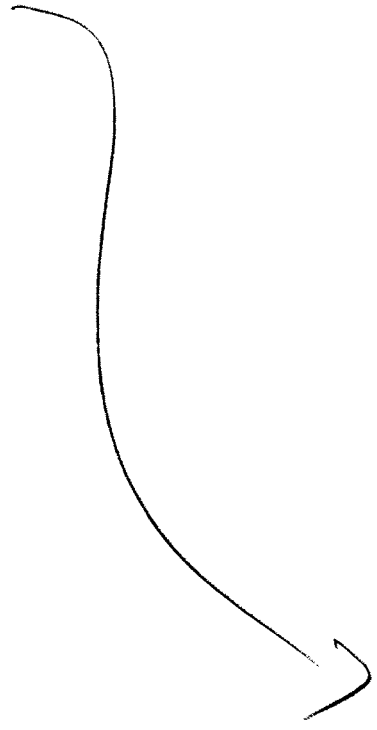
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948.605 (2) (b) 4. By an individual for use in ~~a the hunter education program~~
conducted under s. ~~29.591~~ or another program approved by a school in the school
zone;

SECTION 4. ~~948.605~~ (3) (b) 2. of the statutes is amended to read:

948.605 (3) (b) 2. As part of ~~a the hunter education program conducted under~~
~~s. 29.591~~ or another program approved by a school in the school zone, by an individual
who is participating in the program;

(END)



SEC. CR. 120.13(1) (cm) ✓

120.13(1)(cm) Paragraphs (b) and (c) 2m.

do not apply to any of the following:

1. Possession of a firearm while legally hunting in a school forest, if allowed under sub. (38).
2. A firearm lawfully stored in a locked vehicle on school property.
3. Possession of a firearm for an activity approved and authorized by the school board if the school board has adopted appropriate safeguards to ensure pupil safety.

(End)

(2A)

¶ This bill provides that the ~~above~~ ^{regarding} above requirements ~~to~~ suspension and expulsion ~~proposed~~ 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 ^{an} activity approved and authorized by a school board if the school board has adopted appropriate safeguards to ^{ensure} ~~ensure~~ pupil safety.

¶ The addition of these exceptions makes state law ~~with consistency~~ ^{consistent} with the federal Gun-Free Schools Act. See 20 USC 7151.