



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4156/1
FFK:amn

2017 SENATE BILL 402

September 14, 2017 - Introduced by Senators TIFFANY, MOULTON, OLSEN, LEMAHIEU, MARKLEIN and STROEBEL, cosponsored by Representatives KLEEFISCH, BALLWEG, EDMING, GANNON, FELZKOWSKI, HORLACHER, JARCHOW, KATSMAN, MILROY, MURSAU, RIPP, TUSLER, THIESFELDT and E. BROOKS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to renumber and amend** 120.13 (1) (bm) and 120.13 (1) (c) 2m.; and **to**
2 **create** 120.13 (1) (bm) 2., 120.13 (1) (bm) 3., 120.13 (1) (c) 2m. b. and 120.13 (1)
3 (c) 2m. c. of the statutes; **relating to:** suspending and expelling a pupil for
4 possession of a firearm at school.

Analysis by the Legislative Reference Bureau

This bill creates two exceptions to the general requirement that a school board must suspend and expel a pupil if the school board determines the pupil possessed a firearm at school or while under the supervision of the school board. The first exception created under this bill is for a firearm that is lawfully stored inside a locked vehicle on school property. The second exception applies to the possession of a firearm for an activity approved and authorized by the school board if the school board adopts appropriate safeguards to ensure pupil safety. Under current law, there is an exception for the possession of a firearm while legally hunting in a school forest, if the school district allows firearms in the school forest. Current law also allows a school board to make modifications to the requirement to expel a pupil on a case-by-case basis.

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

SENATE BILL 402**SECTION 1**

1 **SECTION 1.** 120.13 (1) (bm) of the statutes is renumbered 120.13 (1) (bm) (intro.)
2 and amended to read:

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

9 1. The possession of a firearm while legally hunting in a school forest if allowed
10 under s. 120.13 (38).

11 **SECTION 2.** 120.13 (1) (bm) 2. of the statutes is created to read:

12 120.13 (1) (bm) 2. A firearm that is lawfully stored inside a locked vehicle on
13 school property.

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

15 120.13 (1) (bm) 3. The possession of a firearm for an activity approved and
16 authorized by the school district if the school district adopts appropriate safeguards
17 to ensure pupil safety.

18 **SECTION 4.** 120.13 (1) (c) 2m. of the statutes is renumbered 120.13 (1) (c) 2m.
19 (intro.) and amended to read:

20 120.13 (1) (c) 2m. (intro.) The school board shall commence proceedings under
21 subd. 3. and expel a pupil from school for not less than one year whenever it finds that
22 the pupil, while at school or while under the supervision of a school authority,
23 possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board
24 shall report to the department the information specified under 20 USC 8921 (d) (1)
25 and (2). This subdivision does not apply to the any of the following:

