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SENATE BILL 75

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

L. Skip Vernon

AN ACT

RELATING TO EDUCATION; MANDATING THE ADOPTION OF STUDENT
DISCIPLINE POLICIES PERTAINING TO THE THREAT AND USE OF
WEAPONS IN SCHOOL; PROVIDING FOR A DUE PROCESS HEARING;
REMOVING DISCIPLINE POLICIES FOR DISABLED STUDENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4.7 NMSA 1978 (being Laws 1995,
Chapter 47, Section 1) is amended to read:

"22-5-4.7. ADDITIONAL STUDENT DISCIPLINE POLICIES--
WEAPON-FREE SCHOOLS.--

A. In addition to other student discipline
policies:

(1) each school district shall adopt a
policy providing for the expulsion from school, for a period
of not less than one year, of any student who is determined
to have knowingly brought a weapon to a school under the

underscored material = new
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1 jurisdiction of ~~[the]~~ a local school board; ~~[The local school~~
2 ~~board or the superintendent of the school district may modify~~
3 ~~the expulsion requirement on a case-by-case basis.~~

4 B. ~~Student discipline policies shall also provide~~
5 ~~for placement in an alternative educational setting, for not~~
6 ~~more than forty-five days, of any student with a disability~~
7 ~~who is determined to have knowingly brought a weapon to a~~
8 ~~school under the jurisdiction of the local board. If a~~
9 ~~parent or guardian of the student requests a due process~~
10 ~~hearing, then the student shall remain in the alternative~~
11 ~~educational setting during the pendency of any proceeding,~~
12 ~~unless the parent or guardian and the school district agree~~
13 ~~otherwise]~~

14 (2) each school district shall adopt a
15 policy providing for the suspension from school, for a period
16 of not less than six months, of a student who is determined
17 to have knowingly threatened to bring a weapon to a school
18 for the purpose of committing great bodily harm with the
19 weapon against a person at a school under the jurisdiction of
20 a local school board; and

21 (3) each school district shall adopt a
22 policy providing for the suspension from school, for a period
23 of not less than ten school days, of a student who is
24 determined to have knowingly failed to immediately report to
25 the appropriate law enforcement or school authorities any
threat to bring a weapon to a school for the purpose of
committing great bodily harm with the weapon against a person

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1 at a school under the jurisdiction of a local school board.

2 B. Each school district shall provide policies for
3 a due process hearing to be conducted upon the request of a
4 parent or guardian when a student is determined to have
5 knowingly failed to report a threat by another person to
6 bring a weapon to school for the purpose of committing great
7 bodily harm with the weapon against a person, threatened to
8 bring a weapon to school for the purpose of committing great
9 bodily harm with the weapon against another person or brought
10 a weapon to a school. Student discipline policies shall also
11 provide for placement in an alternative educational setting
12 during the pendency of any proceeding, unless the parent or
13 guardian and the school district agree otherwise.

14 C. For the purposes of this section:

15 (1) "weapon" means:

16 ~~{(1)}~~ (a) any firearm that is designed
17 to, may readily be converted to or will expel a projectile by
18 the action of an explosion; and

19 ~~{(2)}~~ (b) any destructive device that
20 is an explosive or incendiary device, bomb, grenade, rocket
21 having a propellant charge of more than four ounces, missile
22 having an explosive or incendiary charge of more than
23 one-quarter ounce, mine or similar device; and

24 (2) "great bodily harm" means an injury to a
25 person that creates a high probability of death, causes
serious disfigurement or results in permanent or protracted
loss or impairment of the function of any member or organ of

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the body. "

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