

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/1/99 S3/4/99 H3/31/99

A Bill

Act 1520 of 1999
SENATE BILL 259

5 By: Senator Bisbee
6 By: Representative Bledsoe
7

For An Act To Be Entitled

10 "AN ACT TO REQUIRE SCHOOL PRINCIPALS TO REPORT ALL
11 THREATS OF VIOLENCE OR ACTS OF VIOLENCE ON SCHOOL
12 PROPERTY; AND FOR OTHER PURPOSES. "
13

Subtitle

14 "AN ACT TO REQUIRE SCHOOL PRINCIPALS TO
15 REPORT ALL THREATS OF VIOLENCE OR ACTS
16 OF VIOLENCE ON SCHOOL PROPERTY. "
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 Section 1. Arkansas Code 6-17-113 pertaining to reports of violent acts
23 on school property is amended to read as follows:

24 "6-17-113. Duty to report and investigate student criminal acts.

25 (a) For purposes of this act:

26 (1) 'Act of violence' means any violation of Arkansas law where a
27 person purposely or knowingly causes, or threatens to cause death or serious
28 physical injury to another person;

29 (2) 'Deadly weapon' means:

30 (A) A firearm or anything manifestly designed, made, or
31 adapted for the purpose of inflicting death or serious physical injury; or

32 (B) Anything that in the manner of its use or intended use
33 is capable of causing death or serious physical injury; and

34 (3) 'Firearm' means any device designed, made, or adapted to
35 expel a projectile by the action of an explosive or any device readily

36 convertible to that use, including such a device that is not loaded or lacks a

1 clip or other component to render it immediately operable, and components that
 2 can readily be assembled into such a device;

3 ~~—(a)(b)~~ Whenever the principal or other person in charge of a public
 4 school has ~~direct~~ personal knowledge or has received information leading to a
 5 reasonable belief that ~~a student enrolled in the public school~~ any person has
 6 committed or has threatened to commit a felony an act of violence or any crime
 7 involving a deadly weapon on school property or while under school supervision
 8 ~~or has committed any other crime involving an act of violence against a~~
 9 ~~teacher, school employee, or student,~~ the principal or the person in charge
 10 shall immediately report the incident or threat to the superintendent of the
 11 school district and the appropriate local law enforcement agency. The report
 12 shall be by telephone or in person immediately after the incident or threat
 13 and shall be followed by a written report within three (3) business days.
 14 ~~[sic]~~ The principal shall notify any school employee or other person who
 15 initially reported the incident that a report has been made to the appropriate
 16 law enforcement agency. The superintendent, or his designee, shall ~~report the~~
 17 ~~incident to the appropriate local law enforcement agency for investigation.~~
 18 notify the local school board of any report made to law enforcement under this
 19 section.

20 ~~(b)(1)(c)(1)~~ Whenever a law enforcement officer receives a report of an
 21 incident pursuant to subsection (a) of this section, that officer shall
 22 immediately report the incident to the office of the prosecuting attorney and
 23 shall immediately initiate an investigation of the incident.

24 ~~(2)(A) The prosecuting attorney shall immediately initiate an~~
 25 ~~investigation of the incident.~~

26 ~~(B)(2) The investigation shall be conducted with all reasonable~~
 27 ~~haste and, upon completion, the prosecuting attorney shall implement the~~
 28 ~~appropriate course of action~~ shall be referred to the prosecuting attorney.

29 (3) The prosecuting attorney shall implement the appropriate
 30 course of action and within thirty (30) calendar days after receipt of the
 31 file, the prosecuting attorney shall provide a written report to the
 32 principal. The report shall state:

33 (A) Whether the investigation into the reported incident is
 34 on going;

35 (B) Whether any charges have been filed, in either circuit
 36 or juvenile court as a result of the reported incident; and

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(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

~~—(c)(d) Excluding the reporting requirement set out in subdivision (c)(3) in this section, Any any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.~~

~~(d)(e) The State Board of Education shall promulgate rules and regulations to ensure uniform compliance with the requirements of this section and shall consult with the Office of the Attorney General concerning the development of these rules and regulations.~~"

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Bisbee, et al

APPROVED: 4/15/1999