

107TH CONGRESS  
1ST SESSION

# H. R. 1396

To encourage States to require a holding period for any student expelled for bringing a gun to school.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To encourage States to require a holding period for any student expelled for bringing a gun to school.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HOLDING PERIOD FOR STUDENTS BRINGING A**

4 **GUN TO SCHOOL.**

5 (a) IN GENERAL.—Notwithstanding section 222 of  
6 the Juvenile Justice and Delinquency Prevention Act of  
7 1974 (42 U.S.C. 5632) or any other provision of law, for  
8 fiscal year 2002 and each fiscal year thereafter, the  
9 amount that would otherwise be allocated to a State under  
10 that section for a fiscal year shall be increased for preven-

1 tion and intervention related to school violence by 25 per-  
2 cent, if the State has in effect a State law described in  
3 subsection (b) by not later than the first day of that fiscal  
4 year.

5 (b) STATE LAW DESCRIBED.—A State law is de-  
6 scribed in this subsection if it requires that—

7 (1) any administrator or employee of a public  
8 or private school who has reasonable cause to believe  
9 that a student is or has been in possession of a fire-  
10 arm while in or on the premises of a school building  
11 in violation of Federal or State law, shall imme-  
12 diately report the student’s conduct to an appro-  
13 priate law enforcement agency and to an appropriate  
14 juvenile department or agency of the State;

15 (2) upon receipt of a report under paragraph  
16 (1), the appropriate law enforcement agency shall  
17 immediately cause an investigation to be made to de-  
18 termine whether there is probable cause to believe  
19 that the student, while in or on the premises of a  
20 public building, possessed a firearm in violation of  
21 Federal or State law;

22 (3) if a determination of probable cause is made  
23 under paragraph (2)—

24 (A) the student shall immediately be de-  
25 tained by the appropriate law enforcement

1 agency for not more than 72 hours in an appro-  
2 priate juvenile justice setting for purposes of  
3 psychological evaluation and for a judicial de-  
4 termination (pursuant to a hearing) regarding  
5 whether the student is a danger to himself or  
6 herself or to others; and

7 (B) a parent, guardian, or other adult with  
8 responsibility for the student shall be notified of  
9 that detention and the purposes of that deten-  
10 tion; and

11 (4) if the court makes a determination under  
12 paragraph (3)(A) that the student is a danger to  
13 himself or herself or others, the student shall be  
14 placed in an appropriate juvenile justice setting to  
15 receive professional psychological counseling.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated such sums as may be  
18 necessary to carry out this section.

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