

ASSEMBLY BILL NO. 121—ASSEMBLYMEN WHEELER, ELLISON,
JONES; DICKMAN, MOORE, O'NEILL AND OSCARSON

FEBRUARY 6, 2015

Referred to Committee on Education

SUMMARY—Revises provisions governing the discipline of pupils. (BDR 34-173)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; prohibiting a school from disciplining certain pupils for simulating a firearm or dangerous weapon or wearing clothing or accessories that depict a firearm or dangerous weapon or express certain opinions except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for possessing a firearm or dangerous weapon while on the premises of any public school, attending an activity sponsored by a public school or on any school bus. (NRS 392.466) This bill prohibits a school from disciplining a pupil enrolled in kindergarten or grades 1 to 8, inclusive, for simulating a firearm or dangerous weapon while playing or for wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms except in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:



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(a) *Simulating a firearm or dangerous weapon while playing;*
or

(b) *Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.*

2. *Simulating a firearm or dangerous weapon includes, without limitation:*

(a) *Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;*

(b) *Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;*

(c) *Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;*

(d) *Using a finger or hand to simulate a firearm or dangerous weapon;*

(e) *Drawing a picture or possessing an image of a firearm or dangerous weapon; and*

(f) *Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.*

3. *A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:*

(a) *Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;*

(b) *Causes bodily harm to another person; or*

(c) *Places another person in reasonable fear of bodily harm.*

4. *Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.*

5. *The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 392.415.*

6. *As used in this section:*

(a) *“Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 392.466.*

(b) *“Firearm” has the meaning ascribed to it in paragraph (c) of subsection 7 of NRS 392.466.*

Sec. 2. 1. Any policy, ordinance or regulation adopted by a local government existing on the effective date of this act which conflicts with any provision of section 1 of this act is void and must not be given effect to the extent of the conflict.



- 1 2. As used in this section, “local government” means any
2 political subdivision of this State, including, without limitation, a
3 county, city, town or school district.
4 **Sec. 3.** This act becomes effective upon passage and approval.

