

HCS HB 727 -- SCHOOL EMPLOYEE REQUIRED REPORTING

SPONSOR: Matthiesen

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 11 to 0.

This bill repeals the requirement that when a person is believed to have committed an act which if committed by an adult would be assault in the first, second, or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities. In instances when the offense believed to have been committed is assault in the third degree and there is a written agreement between the superintendent and the appropriate law enforcement agency as to procedure for reporting the offense, the incident is required to be reported in accordance with that agreement.

Currently, when a pupil is discovered to have on his or her person, among the pupil's possessions, or placed elsewhere on the school premises any controlled substance or any weapon, the principal is required to report the discovery to the appropriate law enforcement agency immediately. This bill changes the requirement to being reported as soon as reasonably practical. Furthermore, the bill specifies that any time a teacher becomes aware of such possession, he or she shall report such incident to the principal as soon as reasonably practical.

The bill also adds the requirement that teachers report to the principal, and the principal report to the appropriate law enforcement agency and the superintendent, as soon as reasonably practical any instance when a pupil is believed to have committed any offense specified in Subsection 2 of Section 160.261, RSMo; while on school property, on any school bus in service on behalf of the school district, or while involved in school activities.

The bill provides civil immunity for school employees, superintendents, or their designees who provide information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to have committed an act which, if committed by an adult, would be assault in the third degree or assault in the fourth degree.

Finally, the bill removes the requirement that schools have in their policy handbooks the provision requiring school officials to report to law enforcement incidents of harassment in the first degree.

PROPONENTS: Supporters say that there has been some confusion with the criminal code revision and this would eliminate the confusion. We do not want to see more juveniles ending up with criminal records because of schoolyard scuffles.

Testifying for the bill were Representative Matthiesen; Helen Sloan, Metropolitan Congregation United; and Dr. Laura Wakefield.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that students of color are disproportionately affected by this, and the criminal code revision fuels the School-to-Prison Pipeline.

Testifying on the bill was Luz Maria Henriquez, Legal Services of Eastern Missouri.