

HCS HB 1803 -- SCHOOL EMPLOYEE REQUIRED REPORTING

SPONSOR: Matthiesen

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee to Improve the Care and Well-Being of Young People by a vote of 11 to 0. Voted "Do Pass" by the Rules- Administrative Oversight Committee by a vote of 12 to 0.

This bill removes the requirement that a principal report to law enforcement when a student commits harassment or assault in the third degree.

This bill states that a principal must report to law enforcement and the superintendent as soon as reasonably possible when a student commits any of the following acts on school property, including a school bus in service on behalf of the district, or while involved in school activities:

- (1) First degree murder;
- (2) Second degree murder;
- (3) Kidnapping (prior to January 1, 2017), or kidnapping in the first degree;
- (4) First degree assault;
- (5) Rape in the first degree (was called forcible rape prior to August 28, 2013);
- (6) Sodomy in the first degree (was called forcible sodomy prior to August 28, 2013);
- (7) Burglary in the first degree;
- (8) Burglary in the second degree;
- (9) Robbery in the first degree;
- (10) Distribution of drugs (prior to January 1, 2017), or manufacture of a controlled substance;
- (11) Distribution of drugs to a minor (prior to January 1, 2017), or delivery of a controlled substance;
- (12) Arson in the first degree;
- (13) Voluntary manslaughter;

- (14) Involuntary manslaughter (prior to January 1, 2017), involuntary manslaughter in the first degree, or involuntary manslaughter in the second degree;
- (15) Second degree assault (prior to January 1, 2017), or second degree assault;
- (16) Rape in the second degree (was called sexual assault prior to August 28, 2013);
- (17) Felonious restraint (prior to January 1, 2017), or kidnapping in the second degree;
- (18) Property damage in the first degree;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree (prior to January 1, 2017), or child molestation in the first, second, or third degree;
- (21) Sodomy in the second degree (was called deviate sexual assault prior to August 28, 2013);
- (22) Sexual misconduct involving a child;
- (23) Sexual abuse in the first degree; or
- (24) Stalking (prior to January 1, 2017), or stalking in the first degree.

If there is a victim, the principal must also report to the parents or legal guardian of each victim. Any school employee must also report to the principal when the employee becomes aware that a student has committed any of the above acts.

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 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 any of the acts listed above.

This bill is similar to HCS HB 727 (2017).

PROPONENTS: Supporters say that this bill will restore the rights of a principal to use his own enforcement for minor issues without bringing in law enforcement for common cases where law enforcement is currently brought in but few charges are filed.

Testifying for the bill were Representative Matthiesen; School Administrators Coalition; and Susan Goldammer, Missouri School Boards Association.

OPPONENTS: There was no opposition voiced to the committee.