

CHAPTER.....

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.

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

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:

*(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.

2. As used in this section, "local government" means any political subdivision of this State, including, without limitation, a county, city, town or school district.

Sec. 3. This act becomes effective upon passage and approval.

