

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:

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

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

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

3 *1. Except as otherwise provided in subsection 3, a pupil*
4 *enrolled in kindergarten or grades 1 to 8, inclusive, may not be*
5 *disciplined, including, without limitation, pursuant to NRS*
6 *392.466, for:*



* A B 1 2 1 R 1 *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 6. *As used in this section:*

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

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

42 **Sec. 2.** 1. Any policy, ordinance or regulation adopted by a
43 local government existing on the effective date of this act which
44 conflicts with any provision of section 1 of this act is void and must
45 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.



