



CLIENT NEWS BRIEF

January 2010

Number 1

LEGISLATION CREATES NEW REPORTING REQUIREMENTS REGARDING FIREARMS AND EXPLOSIVES

Effective January 1, 2010, Assembly Bill ("AB") 1390 amends Education Code section 48902 and places new requirements on principals or their designees when reporting firearm or explosives violations to local law enforcement agencies.

Under the previous version of section 48902, principals or their designees were, and still are, required to report to local law enforcement any offense involving assault with a deadly weapon or force likely to produce great bodily injury prior to the suspension or expulsion of a student for such an offense. Section 48902 also requires that principals report to local law enforcement within one school day after the suspension or expulsion of a student for possession, use, sale, furnishing, or being under the influence of a controlled substance, alcoholic beverage, or other intoxicant. In addition, section 48902 has required principals to report any person who possesses a firearm within the school zone or who brings a weapon onto school grounds. The willful failure to report these offenses is an infraction punishable by a fine of up to \$500 to be paid by the principal or the principal's designee who fails to report.

Under AB 1390, all of the prior requirements remain the same. However, AB 1390 amends Education Code section 48902 to include the requirement that principals or their designees report any act involving the possession, sale or furnishing of a firearm or the possession of an explosive by a student or non-student on school grounds to local law enforcement and to school security or school police departments. The three key distinctions between the prior version of section 48902 and the section as amended are as follows: (1) AB 1390 applies to both student and non-student possession of firearms and explosives; (2) principals or their designees are now required to report firearms and explosives offenses to school security or school police departments in addition to local law enforcement; and (3) the duty to report firearms and explosives offenses is not contingent upon the student being suspended or expelled.

Determining whether a particular dangerous object constitutes a "firearm" or "explosive" within the meaning of the Education Code can be a somewhat complicated task, which may create confusion as to when reporting is required under the new legislation. For questions on this or any other subject relating to student discipline and reporting requirements, please contact one of our [seven offices](#) located statewide.

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