

## CHAPTER 154

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**EDUCATION - PUBLIC SCHOOLS**


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**SENATE BILL 09-237**

BY SENATOR(S) Lundberg, Harvey, Schultheis, Cadman, Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfroe, Romer, Scheffel, Tochtrop, White, Boyd, Carroll M., Gibbs, Morse, Williams;  
 also REPRESENTATIVE(S) Acree, McNulty, Balmer, Gardner C., Green, Kerr A., Kerr J., King S., Labuda, Lambert, Liston, Looper, Massey, Nikkel, Priola, Roberts, Ryden, Schafer S., Sonnenberg, Stephens, Summers, Tipton, Todd, Vigil, Carroll T.

**AN ACT****CONCERNING GROUNDS FOR MANDATORY EXPULSION FROM A PUBLIC SCHOOL.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 22-33-106 (1) (d) (II) (A), Colorado Revised Statutes, is amended to read:

**22-33-106. Grounds for suspension, expulsion, and denial of admission.**

(1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(d) (II) As used in this paragraph (d), "dangerous weapon" means:

(A) A firearm, whether loaded or unloaded; ~~or a firearm facsimile that could reasonably be mistaken for an actual firearm;~~

**SECTION 2.** 22-33-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-33-106. Grounds for suspension, expulsion, and denial of admission.**

(1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(f) CARRYING, USING, ACTIVELY DISPLAYING, OR THREATENING WITH THE USE OF A FIREARM FACSIMILE THAT COULD REASONABLY BE MISTAKEN FOR AN ACTUAL FIREARM IN A SCHOOL BUILDING OR IN OR ON SCHOOL PROPERTY. EACH SCHOOL DISTRICT SHALL DEVELOP A POLICY THAT SHALL AUTHORIZE A STUDENT TO CARRY,

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

BRING, USE, OR POSSESS A FIREARM FACSIMILE ON SCHOOL PROPERTY FOR EITHER A SCHOOL-RELATED OR A NONSCHOOL-RELATED ACTIVITY. SUCH POLICY SHALL ALSO CONSIDER STUDENT VIOLATIONS UNDER THIS SECTION ON A CASE-BY-CASE BASIS USING THE INDIVIDUAL FACTS AND CIRCUMSTANCES TO DETERMINE WHETHER SUSPENSION, EXPULSION, OR ANY OTHER DISCIPLINARY ACTION, IF ANY, IS NECESSARY.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 2009