

1997 SESSION

HOUSE SUBSTITUTE

972664482

HOUSE BILL NO. 1802

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on January 31, 1997)

(Patron Prior to Substitute—Delegate Wagner)

A BILL to amend and reenact § 16.1-305.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-277.02, relating to pupil suspensions and expulsions.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-305.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-277.02 as follows:

§ 16.1-305.1. Disclosure of disposition in certain delinquency cases.

Upon disposition of a proceeding in a court of competent jurisdiction in which a juvenile is adjudicated delinquent or convicted of a crime based upon a violation of the law involving (i) the unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of Chapter 7 of Title 18.2, (ii) homicide, pursuant to Article 1 (§ 18.2-31 et seq.) of Chapter 4 of Title 18.2, (iii) felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, (iv) criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (v) manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (vi) manufacture, sale ~~or~~, gift, distribution, or possession of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (vii) arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (viii) burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93, the clerk of the court in which the disposition is entered shall, within fifteen days if there has been no notice of an appeal, provide written notice of the disposition ordered by the court, including the nature of the offense upon which the adjudication or conviction was based, to the superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. Further disclosure of this information by the superintendent to school personnel is authorized only as provided in § 22.1-288.2.

§ 22.1-277.02. *Suspension and expulsion upon receipt of certain reports.*

Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense involving the manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana may be suspended or expelled from school attendance pursuant to § 22.1-277.

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