

<b>MARION SCHOOL DISTRICT 60-3</b>	<b>NEPN Code: JICI</b>
<b>STUDENT POLICIES &amp; REGULATIONS</b>	

## **WEAPONS**

### **POSSESSION OR USE OF A WEAPON**

No student shall carry, have in his or her possession, store, keep, leave, place or put into the possession of another student, any controlled weapon as defined by SDCL 22-1-2(8), firearm as defined by SDCL 22-1-2(16) or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noise making purposes, or any dangerous weapon as defined by SDCL 22-1-2(10), destructive devices as defined by paragraphs (a) and (b) of SDCL 22-1-2(13), explosive as defined by the first sentence of SDCL 22-1-2(14), stun gun as defined by SDCL 22-1-2(50), ballistic knife as defined below, on any school premises, in any school vehicle or any vehicle used by the school or for school purpose, in any school building or other building or premises used for school functions, whether or not any person is endangered by such actions. This policy does not apply to starting guns while used in athletic events, and supervised schools or sessions for training in the use of firearms.

1. First Offense: Long-term suspension or expulsion may be recommended.

#### Statutory Definitions:

- 22-1-2(8) - “Controlled weapon” includes a firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (17), (23) and (46) of this section;
- 22-1-2(10) - “Dangerous weapon” or “deadly weapon,” any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm;
- 22-1-2(13) - “Destructive Device,”
- (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefore; or
  - (b) Any breakable container which contains flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited; (Note: the balance of the statutory definition is not included in the policy).

22-1-2(14) - “Explosive,” any substance, or combination of substances, that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas and heat. (Note: the last sentence of the statutory definition is not included in this policy).

22-1-2(16) - “Firearm,” any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the word “gunpowder” includes propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges.

22-1-2(50) - “Stun gun,” any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person.

“Ballistic Knife,” is a knife encased in a tubular metal sheath which when removed, uncovers a detachable blade that can be propelled by a spring mechanism operated at the push of a button.

**ADDITIONAL REFERENCES:** SDCL 13-32-4, 13-32-7  
Improving America’s Schools Act of 1994, P.L. 103-382

**FORMERLY POLICY:** S-29

**REVISED:** July 11, 2011