2015 -- S 0086

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N   A C T

RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Introduced By: Senator William A. Walaska

Date Introduced: January 22, 2015

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1   SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is

2 hereby amended by adding thereto the following section:

3   **16-21-35. Child imagination and play protection act. –** (a) The legislature hereby finds

4 and declares as follows:

5   (1) That a healthy imagination and play are crucial to a child's proper social and mental

6 development, and such play should not be unnecessarily stifled or discouraged;

7   (2) That various toys are readily available which may resemble firearms, but cannot be

8 mistaken for an actual firearm by any reasonable person exercising reasonable judgment; and

9   (3) That the imagination of children may prompt them to create their own toys out of

10 common everyday objects, and said toys may also resemble a firearm, but cannot be mistaken for

11 an actual firearm by any reasonable person exercising reasonable judgment.

12   (b) It shall be unlawful for any school administrator or government official to invoke or

13 impose any disciplinary action against any child solely for possession or engaging in imaginary

14 play with any such toy which may resemble a firearm but cannot be mistaken for an actual

15 firearm by any reasonable person exercising reasonable judgment.

16   (c) The burden of proof that such a toy could be mistaken for an actual firearm shall be

17 on the school administrator or other government official.

1   SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

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1   This act would prevent the disciplining of a school child for possession of a toy gun

2   unless a reasonable person could mistake the toy for a real gun.

3   This act would take effect upon passage.

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