

HOUSE BILL NO. 450

INTRODUCED BY J. HINKLE, S. GUNDERSON, M. MALONE, C. KNUDSEN, S. GIST, K. ZOLNIKOV, N. NICOL, B. LER, A. REGIER, L. JONES, D. LOGE, C. HINKLE, M. HOPKINS, G. PARRY, J. SMALL, P. GREEN, J. FITZPATRICK, J. TREBAS, E. BUTCHER, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A STUDENT MAY USE REASONABLE AND NECESSARY PHYSICAL FORCE IN SELF-DEFENSE OR IN DEFENSE OF ANOTHER IN RESPONSE TO BULLYING TO PROTECT THE STUDENT'S SELF OR ANOTHER PERSON IF PHYSICALLY ATTACKED; AMENDING ~~SECTION~~ SECTIONS 20-5-201 AND 20-5-209, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**SECTION 1. SECTION 20-5-201, MCA, IS AMENDED TO READ:**

**"20-5-201. Duties and sanctions.** (1) A pupil:

- (a) shall comply with the policies of the trustees and the rules of the school that the pupil attends;
- (b) shall pursue the required course of instruction;
- (c) shall submit to the authority of the teachers, principal, and district superintendent of the district;

and

(d) is subject to the control and authority of the teachers, principal, and district superintendent while the pupil is in school or on school premises, on the way to and from school, or during intermission or recess.

(2) A pupil who disobeys the provisions of this section, shows open defiance of the authority vested in school personnel by this section, defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district, harms or threatens to harm another person or the person's property, or otherwise violates district policy regarding pupil conduct is subject to punishment, suspension, or expulsion under the provisions of this title. When a pupil defaces or damages school property, the pupil's parent or guardian is liable for the cost of repair or replacement upon the complaint of the teacher, principal, superintendent, or any trustee and the proof of any damage. This subsection does not apply to a pupil who is

1 protecting the pupil's self or another person as provided in 20-5-209.

2 (3) In addition to the sanctions prescribed in this section, the trustees of a high school district may  
3 deny a high school pupil the honor of participating in the graduation exercise or exclude a high school pupil  
4 from participating in school activities. The trustees may not take action under this subsection until the incident  
5 or infraction causing the consideration has been investigated and the trustees have determined that the high  
6 school pupil was involved in the incident or infraction.

7 (4) (a) A school district may withhold the grades, diploma, or transcripts of a pupil who is  
8 responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's  
9 parent or guardian satisfies the obligation.

10 (b) A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil  
11 and the pupil's parent or guardian pursuant to subsection (4)(a) shall:

12 (i) upon receiving notice that the pupil has transferred to another school district in the state, notify  
13 the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be  
14 requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;

15 (ii) forward appropriate grades or transcripts to the school to which the pupil has transferred;

16 (iii) at the same time, notify the school district of any financial obligation of the pupil and request  
17 the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;

18 (iv) when the pupil or the pupil's parent or guardian satisfies the obligation, inform the school  
19 district to which the pupil has transferred; and

20 (v) adopt a policy regarding a process for a pupil or the pupil's parent or guardian to appeal the  
21 school district's decision to request that another school district withhold a pupil's grades, diploma, or transcripts.

22 (c) Upon receiving notice that a school district has requested the withholding of the grades,  
23 diploma, or transcripts of a pupil under this subsection (4), a school district to which the pupil has transferred  
24 shall withhold the grades, diploma, or transcripts of the pupil until it receives notice from the district that initiated  
25 the decision that the decision has been rescinded under the terms of subsection (4)(a)."

26

27 **Section 2.** Section 20-5-209, MCA, is amended to read:

28 **"20-5-209. Bullying of student prohibited -- self-defense authorized.** (1) Bullying of a student

1 enrolled in a public K-12 school by another student or an employee is prohibited.

2 ~~(2) A student who is subjected to or who witnesses another person being subjected to physical~~  
3 ~~bullying~~ PHYSICALLY ATTACKED is entitled to use physical force THAT IS REASONABLE AND NECESSARY in self-  
4 ~~defense or in the defense of another person pursuant to 45-3-102 FOR SELF-PROTECTION.~~

5 ~~(3) A STUDENT WHO WITNESSES ANOTHER PERSON BEING PHYSICALLY ATTACKED IS ENTITLED TO USE~~  
6 ~~REASONABLE AND NECESSARY PHYSICAL RESTRAINT, DEFINED AS THE PLACING OF HANDS ON ANOTHER IN A MANNER~~  
7 ~~THAT IS REASONABLE OR NECESSARY TO PROTECT THE PERSON FROM PHYSICAL HARM.~~

8 ~~(3)(4) A school district shall investigate a student's use of physical force and may not reprimand or~~  
9 ~~discipline a student who claims the student used physical force in self-defense or in defense of another if the~~  
10 ~~investigation:~~

11 ~~(a) finds that the student was not the aggressor; or~~

12 ~~(b) does not find proof contrary to the student's claim~~ IS FOUND THROUGH THE INVESTIGATION TO HAVE  
13 MORE LIKELY THAN NOT USED PHYSICAL FORCE FOR SELF-PROTECTION OR IN PROTECTION OF ANOTHER PURSUANT TO  
14 SUBSECTION (3)."

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16 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2023.

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