

**6-21-608. Concealment of guns or drugs.**

**(a)** As used in this section:

**(1)** "School official" means any public school employee receiving compensation for services from any public school system in the State of Arkansas;

**(2)** "School-owned property" means any property located among premises owned in whole or in part by the state or any city, district, or county within the state, including but not limited to any desk, locker, file, or other tangible property assigned to, for the use of, or on loan to any student or other person using the property for his or her own use;

**(3)** "School premises" means any locale upon which is situated any school building; and

**(4)** "Supervisor" means any person who is employed as administrator or supervisor of any public school.

**(b)** It shall be unlawful for any student or any other person using school-owned property to conceal any gun, drug, or any other contraband in any desk, locker, or other school-owned property in this state.

**(c) (1)** Any school official employed in a supervisory capacity over students or other persons on school premises, upon receipt of information that guns, drugs, or other contraband are concealed in school-owned property, shall have the authority to investigate and search any school-owned property for any drugs, guns, or other contraband that may be concealed in the school-owned property, without the necessity of obtaining a search warrant from local authorities.

**(2)** In the event that contraband is discovered, it shall be seized and held by the supervisor of the school premises until appropriate action, as described in subsection (d) of this section, is taken.

**(d) (1)** Whenever a school official discovers any illegal drugs or other contraband in any school-owned property assigned to the use of an identifiable student or any other identifiable person, appropriate action for discipline, expulsion, discharge, or prosecution shall be within the discretion of the supervisor of the premises.

**(2) (A)** In the event that prosecution by local authorities is pursued, the supervisor shall release the contraband to the local prosecuting authorities to be used as evidence in court.

**(B)** Any evidence obtained by use of the procedure as defined in this section shall be legally admissible in any court in this state.

**(e) (1) (A)** Whenever a school official discovers any gun or other firearm in any school-owned property assigned to the use of an identifiable student, that student shall be expelled for a period of not less than one (1) year.

**(B)** Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

**(2)** In the event that prosecution by local authorities is pursued, the gun or other firearm shall be released to the local prosecuting authorities to be used as evidence in court and shall be legally admissible in any court in this state.

**HISTORY:** Acts 1975, No. 259, §§ 1, 2; A.S.A. 1947, §§ 80-1916, 80-1917; Acts 1995, No. 567, § 4; 1995, No. 1296, § 29.

