

# HB0181S01 compared with HB0181

~~{deleted text}~~ shows text that was in HB0181 but was deleted in HB0181S01.

inserted text shows text that was not in HB0181 but was inserted into HB0181S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Carol Spackman Moss proposes the following substitute bill:

## PHYSICAL CONTROL IN SCHOOLS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carol Spackman Moss**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions related to the use of physical restraint or force in schools.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{prohibits}~~ amends provisions related to the use of physical restraint or force, including to protect property from being damaged; and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

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### Utah Code Sections Affected:

#### AMENDS:

**53A-11-801**, as enacted by Laws of Utah 1992, Chapter 251

**53A-11-802**, as enacted by Laws of Utah 1992, Chapter 251

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-11-801** is amended to read:

#### **53A-11-801. Definitions.**

As used in this part:

(1) "Child" or "minor child" means a person:

(a) under the age of 18; or

(b) under the age of 23 who is receiving educational services as an individual with a disability.

(2) "Corporal punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.

(3) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to walk to another location.

(~~3~~4) (a) "Physical restraint" means personal restriction that immobilizes or significantly reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

(b) "Physical restraint" does not include a physical escort.

(~~3~~) (~~4~~5) "School" means any public or private elementary or secondary school, pre-school, care center, nursery school, or business which receives compensation for supervising or educating a child.

Section 2. Section **53A-11-802** is amended to read:

**53A-11-802. Prohibition of corporal punishment -- Use of reasonable and necessary physical restraint or force.**

(1) A school employee may not inflict or cause the infliction of corporal punishment upon a child who is receiving services from the school, unless written permission has been given by the student's parent or guardian to do so.

(2) ~~[This section does not prohibit the use of]~~ A school employee may use reasonable

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and necessary physical restraint or force in self defense or otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object in the possession or under the control of a child;

(b) protect the child or another ~~[person]~~ individual from physical injury;~~{ or }~~

(c) remove from a situation a child who is violent or disruptive~~{}~~; or~~{.}~~

~~{}~~(d) protect property from being damaged~~{.}~~

~~(3)}~~, when safety is at risk.

(3) Nothing in this section prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Subsection (2).

~~[(3)]~~ (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.

(b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

~~[(4)]~~ (5) A parochial or private school may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents or guardians of children in the school of the exemption.

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**Legislative Review Note**

**Office of Legislative Research and General Counsel**