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**SUBSTITUTE SENATE BILL 5440**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer)

Read first time 02/10/95.

1 AN ACT Relating to students with firearms on school property;  
2 amending RCW 9.41.280; and adding a new section to chapter 28A.600 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.280 and 1994 sp.s. c 7 s 427 are each amended to  
5 read as follows:

6 (1) It is unlawful for a person to carry onto, or to possess on,  
7 public or private elementary or secondary school premises, school-  
8 provided transportation, or areas of facilities while being used  
9 exclusively by public or private schools:

10 (a) Any firearm;

11 (b) Any other dangerous weapon as defined in RCW 9.41.250;

12 (c) Any device commonly known as "nun-chu-ka sticks", consisting of  
13 two or more lengths of wood, metal, plastic, or similar substance  
14 connected with wire, rope, or other means;

15 (d) Any device, commonly known as "throwing stars", which are  
16 multi-pointed, metal objects designed to embed upon impact from any  
17 aspect; or

1 (e) Any air gun, including any air pistol or air rifle, designed to  
2 propel a BB, pellet, or other projectile by the discharge of compressed  
3 air, carbon dioxide, or other gas.

4 (2) Any such person violating subsection (1) of this section is  
5 guilty of a gross misdemeanor. If any person is convicted of a  
6 violation of subsection (1)(a) of this section, the person shall lose  
7 his or her concealed pistol license, if any. The court shall send  
8 notice of the revocation to the department of licensing, and the city,  
9 town, or county which issued the license.

10 Any violation of subsection (1) of this section by elementary or  
11 secondary school students constitutes grounds for expulsion from the  
12 state's public schools in accordance with RCW 28A.600.010. (~~However,~~  
13 ~~any violation of subsection (1)(a) of this section by an elementary or~~  
14 ~~secondary school student shall result in expulsion for an indefinite~~  
15 ~~period of time in accordance with RCW 28A.600.010.)) An appropriate  
16 school authority shall promptly notify law enforcement and the  
17 student's parent or guardian regarding any allegation or indication of  
18 such violation.~~

19 (3) Subsection (1) of this section does not apply to:

20 (a) Any student or employee of a private military academy when on  
21 the property of the academy;

22 (b) Any person engaged in military, law enforcement, or school  
23 district security activities;

24 (c) Any person who is involved in a convention, showing,  
25 demonstration, lecture, or firearms safety course authorized by school  
26 authorities in which the firearms of collectors or instructors are  
27 handled or displayed;

28 (d) Any person while the person is participating in a firearms or  
29 air gun competition approved by the school or school district;

30 (e) Any person in possession of a pistol who has been issued a  
31 license under RCW 9.41.070, or is exempt from the licensing requirement  
32 by RCW 9.41.060, while picking up or dropping off a student;

33 (f) Any nonstudent at least eighteen years of age legally in  
34 possession of a firearm or dangerous weapon that is secured within an  
35 attended vehicle or concealed from view within a locked unattended  
36 vehicle while conducting legitimate business at the school;

37 (g) Any nonstudent at least eighteen years of age who is in lawful  
38 possession of an unloaded firearm, secured in a vehicle while  
39 conducting legitimate business at the school; or

1 (h) Any law enforcement officer of the federal, state, or local  
2 government agency.

3 (4) Subsections (1) (c) and (d) of this section do not apply to any  
4 person who possesses nun-chu-ka sticks, throwing stars, or other  
5 dangerous weapons to be used in martial arts classes authorized to be  
6 conducted on the school premises.

7 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of  
8 this section, firearms are not permitted in a public or private school  
9 building.

10 (6) "GUN-FREE ZONE" signs shall be posted around school facilities  
11 giving warning of the prohibition of the possession of firearms on  
12 school grounds.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600  
14 RCW to read as follows:

15 (1) Any elementary or secondary school student who is determined to  
16 have carried a firearm onto, or to have possessed a firearm on, public  
17 elementary school premises, public school-provided transportation, or  
18 areas of facilities while being used exclusively by public schools,  
19 shall be expelled from school for not less than one year under RCW  
20 28A.600.010. The superintendent of the school district, educational  
21 service district, state school for the deaf, or state school for the  
22 blind may modify the expulsion of a student on a case-by-case basis.

23 (2) For purposes of this section, "firearm" means a firearm as  
24 defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW  
25 9.41.010.

26 (3) This section shall be construed in a manner consistent with the  
27 individuals with disabilities education act, 20 U.S.C. Sec. 1401 et  
28 seq.

29 (4) Nothing in this section prevents a public school district,  
30 educational service district, the state school for the deaf, or the  
31 state school for the blind if it has expelled a student from such  
32 student's regular school setting from providing educational services to  
33 the student in an alternative setting.

34 (5) This section does not apply to:

35 (a) Any student while engaged in military education authorized by  
36 school authorities in which rifles are used but not other firearms; or

37 (b) Any student while involved in a convention, showing,  
38 demonstration, lecture, or firearms safety course authorized by school

1 authorities in which the rifles of collectors or instructors are  
2 handled or displayed but not other firearms; or  
3 (c) Any student while participating in a rifle competition  
4 authorized by school authorities.

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