

2 **ESSB 5307 - H COMM AMD ADOPTED AS AMENDED 4-15-93**

3 By Committee on Judiciary

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9.41.280 and 1989 c 219 s 1 are each amended to read
8 as follows:

9 (1) It is unlawful for (~~(an elementary or secondary school student~~
10 ~~under the age of twenty one knowingly))~~ a person to carry onto public
11 or private elementary or secondary school premises, school-provided
12 transportation, or areas of facilities while being used exclusively by
13 public or private schools:

14 (a) Any firearm; or

15 (b) Any dangerous weapon as defined in RCW 9.41.250; or

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

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

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

25 (2) Any such (~~(student))~~ person violating subsection (1) of this
26 section is guilty of a gross misdemeanor.

27 Any violation of subsection (1) of this section by elementary or
28 secondary school students constitutes grounds for expulsion from the
29 state's public schools in accordance with RCW 28A.600.010. However,
30 any violation of subsection (1)(a) of this section by an elementary or
31 secondary school student shall result in expulsion in accordance with
32 RCW 28A.600.010. An appropriate school authority shall promptly notify
33 law enforcement and the student's parent or guardian regarding any
34 allegation or indication of such violation.

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

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

3 (b) Any ((student)) person engaged in military, law enforcement, or
4 school district security activities((, sponsored by the federal or
5 state governments while engaged in official duties)); ((or))

6 (c) Any ((student)) person who is ((attending)) involved in a
7 convention, showing, demonstration, lecture, or firearms safety course
8 authorized by school authorities in which the firearms of collectors or
9 instructors are handled or displayed; ((or))

10 (d) Any ((student)) person who possesses nun-chu-ka sticks,
11 throwing stars, or other dangerous weapons to be used in martial arts
12 classes authorized to be conducted on the school premises; ((or))

13 (e) Any ((student)) person while the ((student)) person is
14 participating in a firearms or air gun competition approved by the
15 school or school district;

16 (f) Any person who has been issued a license under RCW 9.41.070,
17 while picking up or dropping off a student;

18 (g) Any person legally in possession of a firearm or dangerous
19 weapon that is secured within an attended vehicle or concealed from
20 view within a locked unattended vehicle while conducting legitimate
21 business at the school;

22 (h) Any person who is in lawful possession of an unloaded firearm,
23 secured in a vehicle while conducting legitimate business at the
24 school; or

25 (i) Any law enforcement officer of the federal, state, or local
26 government agency.

27 (4) Except as provided in subsection (3)(b), (c), (e), and (i) of
28 this section, firearms are not permitted in a public or private school
29 building.

30 (5) "GUN-FREE ZONE" signs shall be posted around school facilities
31 giving warning of the prohibition of the possession of firearms on
32 school grounds.

33 NEW SECTION. Sec. 2. A new section is added to chapter 28A.320
34 RCW to read as follows:

35 Each school district and each private school approved under chapter
36 28A.195 RCW shall report to the superintendent of public instruction by
37 January 31st of each year all known incidents involving the possession
38 of weapons on school premises, on transportation systems, or in areas

1 of facilities while being used exclusively by public or private
2 schools, in violation of RCW 9.41.280 in the year preceding the report.
3 The superintendent shall compile the data and report it to the house of
4 representatives, the senate, and the governor.

5 **Sec. 3.** RCW 28A.635.060 and 1989 c 269 s 6 are each amended to
6 read as follows:

7 (1) Any pupil who shall deface or otherwise injure any school
8 property, shall be liable to suspension and punishment. Any school
9 district whose property has been lost or willfully cut, defaced, or
10 injured, may withhold the grades, diploma, and transcripts of the pupil
11 responsible for the damage or loss until the pupil or the pupil's
12 parent or guardian has paid for the damages, unless the student is
13 transferring to another elementary or secondary educational
14 institution, in which case the student's permanent record shall be
15 released promptly to the receiving school. When the pupil and parent
16 or guardian are unable to pay for the damages, the school district
17 shall provide a program of voluntary work for the pupil in lieu of the
18 payment of monetary damages. Upon completion of voluntary work the
19 grades, diploma, and transcripts of the pupil shall be released. The
20 parent or guardian of such pupil shall be liable for damages as
21 otherwise provided by law.

22 (2) Before any penalties are assessed under this section, a school
23 district board of directors shall adopt procedures which insure that
24 pupils' rights to due process are protected.

25 (3) If the department of social and health services or a child-
26 placing agency licensed by the department has been granted custody of
27 a child, that child's records, if requested by the department or
28 agency, are not to be withheld for nonpayment of school fees or any
29 other reason.

30 **Sec. 4.** RCW 10.31.100 and 1988 c 190 s 1 are each amended to read
31 as follows:

32 A police officer having probable cause to believe that a person has
33 committed or is committing a felony shall have the authority to arrest
34 the person without a warrant. A police officer may arrest a person
35 without a warrant for committing a misdemeanor or gross misdemeanor
36 only when the offense is committed in the presence of the officer,

1 except as provided in subsections (1) through (~~(8)~~) (9) of this
2 section.

3 (1) Any police officer having probable cause to believe that a
4 person has committed or is committing a misdemeanor or gross
5 misdemeanor, involving physical harm or threats of harm to any person
6 or property or the unlawful taking of property or involving the use or
7 possession of cannabis, or involving the acquisition, possession, or
8 consumption of alcohol by a person under the age of twenty-one years
9 under RCW 66.44.270 shall have the authority to arrest the person.

10 (2) A police officer shall arrest and take into custody, pending
11 release on bail, personal recognizance, or court order, a person
12 without a warrant when the officer has probable cause to believe that:

13 (a) An order has been issued of which the person has knowledge
14 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
15 RCW, or chapter 26.50 RCW restraining the person and the person has
16 violated the terms of the order restraining the person from acts or
17 threats of violence or excluding the person from a residence or, in the
18 case of an order issued under RCW 26.44.063, imposing any other
19 restrictions or conditions upon the person; or

20 (b) The person is eighteen years or older and within the preceding
21 four hours has assaulted that person's spouse, former spouse, or a
22 person eighteen years or older with whom the person resides or has
23 formerly resided and the officer believes: (i) A felonious assault has
24 occurred; (ii) an assault has occurred which has resulted in bodily
25 injury to the victim, whether the injury is observable by the
26 responding officer or not; or (iii) that any physical action has
27 occurred which was intended to cause another person reasonably to fear
28 imminent serious bodily injury or death. Bodily injury means physical
29 pain, illness, or an impairment of physical condition. When the
30 officer has probable cause to believe that spouses, former spouses, or
31 other persons who reside together or formerly resided together have
32 assaulted each other, the officer is not required to arrest both
33 persons. The officer shall arrest the person whom the officer believes
34 to be the primary physical aggressor. In making this determination,
35 the officer shall make every reasonable effort to consider: (i) The
36 intent to protect victims of domestic violence under RCW 10.99.010;
37 (ii) the comparative extent of injuries inflicted or serious threats
38 creating fear of physical injury; and (iii) the history of domestic
39 violence between the persons involved.

1 (3) Any police officer having probable cause to believe that a
2 person has committed or is committing a violation of any of the
3 following traffic laws shall have the authority to arrest the person:

4 (a) RCW 46.52.010, relating to duty on striking an unattended car
5 or other property;

6 (b) RCW 46.52.020, relating to duty in case of injury to or death
7 of a person or damage to an attended vehicle;

8 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
9 racing of vehicles;

10 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
11 influence of intoxicating liquor or drugs;

12 (e) RCW 46.20.342, relating to driving a motor vehicle while
13 operator's license is suspended or revoked;

14 (f) RCW 46.61.525, relating to operating a motor vehicle in a
15 negligent manner.

16 (4) A law enforcement officer investigating at the scene of a motor
17 vehicle accident may arrest the driver of a motor vehicle involved in
18 the accident if the officer has probable cause to believe that the
19 driver has committed in connection with the accident a violation of any
20 traffic law or regulation.

21 (5) Any police officer having probable cause to believe that a
22 person has committed or is committing a violation of RCW 88.12.100
23 shall have the authority to arrest the person.

24 (6) An officer may act upon the request of a law enforcement
25 officer in whose presence a traffic infraction was committed, to stop,
26 detain, arrest, or issue a notice of traffic infraction to the driver
27 who is believed to have committed the infraction. The request by the
28 witnessing officer shall give an officer the authority to take
29 appropriate action under the laws of the state of Washington.

30 (7) Any police officer having probable cause to believe that a
31 person has committed or is committing any act of indecent exposure, as
32 defined in RCW 9A.88.010, may arrest the person.

33 (8) A police officer may arrest and take into custody, pending
34 release on bail, personal recognizance, or court order, a person
35 without a warrant when the officer has probable cause to believe that
36 an order has been issued of which the person has knowledge under
37 chapter 10.14 RCW and the person has violated the terms of that order.

38 (9) A police officer having probable cause to believe that a person
39 illegally possesses or illegally has possessed a firearm or other

1 dangerous weapon on private or public elementary or secondary school
2 premises shall have the authority to arrest the person. For purposes
3 of this subsection, the term "firearm" has the meaning defined in RCW
4 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW
5 9.41.250 and 9.41.280(1) (c) through (e).

6 (10) Except as specifically provided in subsections (2), (3), (4),
7 and (6) of this section, nothing in this section extends or otherwise
8 affects the powers of arrest prescribed in Title 46 RCW.

9 ~~((10))~~ (11) No police officer may be held criminally or civilly
10 liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the
11 police officer acts in good faith and without malice."

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