

SENATE BILL REPORT

SB 5063

AS OF FEBRUARY 1, 1993

Brief Description: Changing provisions relating to students who carry weapons onto school premises.

SPONSORS: Senators Nelson, McCaslin, Winsley and Oke

SENATE COMMITTEE ON EDUCATION

Staff: Leslie Goldstein (786-7424)

Hearing Dates: February 5, 1993

BACKGROUND:

Elementary and secondary school students under the age of 21 are prohibited from carrying firearms or other dangerous weapons, including metal knuckles, switch blades, or concealed daggers, "nun-chu-ka sticks", throwing stars, or air guns on school grounds. A student violating this prohibition is guilty of a gross misdemeanor (a maximum of one year imprisonment or a fine of \$5,000, or both). School officials have the authority to expel a student for carrying dangerous weapons on school grounds.

Under current law, firearms may be forfeited, after court order, only under certain circumstances. These circumstances include: If the firearm was concealed by a person who did not have a concealed weapons permit; improperly sold; found while a person was committing a crime of violence or a drug offense; found when a person with a concealed weapons permit was under the influence of drugs or alcohol; found held by a former felon convicted of a crime involving a firearm; found held by a person who is mentally incompetent; or held by a person who violated a court order. However, courts are not specifically authorized to order the forfeiture of a firearm held by students on school grounds.

SUMMARY:

School officials, under procedures adopted by the school board, are required to expel a student for a minimum of 30 days after a hearing, if the student carries a firearm or other dangerous weapon on school grounds. The school official is required to notify the student's parents or guardian and the local law enforcement agency about the violation. A school official who does not comply with these requirements is guilty of a misdemeanor (a maximum of 90 days in a county jail or a fine of not more than \$1,000, or both).

A firearm confiscated from a student who carried it on school grounds may be forfeited after the order of a court.

Appropriation: none

Revenue: none

Fiscal Note: none requested