

SENATE BILL REPORT

ESSB 5307

AS PASSED SENATE, MARCH 15, 1993

Brief Description: Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

SPONSORS: Senate Committee on Education (originally sponsored by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, McDonald, Moyer, M. Rasmussen, Rinehart, and Winsley.

Staff: Leslie Goldstein (786-7424)

Hearing Dates: February 5, 1993; February 22, 1993

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

The state has preempted the entire area of firearms regulation. Cities, towns and other municipalities may only enact those laws specifically authorized by state law and consistent with state law. By state statute, firearms are specifically prohibited in areas such as restricted access areas of a jail or law enforcement facility, a courtroom or judge's chamber, restricted areas of mental health facilities, and licensed premises for the consumption of alcoholic beverages. Cities, towns and other municipalities may adopt ordinances restricting the discharge of firearms in areas where persons or animals would be harmed and may restrict possession in stadiums or convention centers unless the person has a concealed weapons permit.

Under current law, students are prohibited from having firearms or other dangerous weapons on school premises. However, school districts are concerned that they cannot prohibit other persons from carrying firearms onto school premises because the state has preempted the regulation of firearms.

SUMMARY:

The prohibition against any student carrying a firearm or other dangerous weapons on public or private school premises is expanded to apply to any person. The areas in which the prohibition applies are expanded to also include school-provided transportation and athletic facilities leased by public or private schools.

A student violating the prohibition may be expelled from every public school in the state for the remainder of the school year. When a student attempts to transfer to another school, the student's records must be released to the new school, even if the student has not paid any outstanding fees or fines.

Current exemptions still apply and are expanded to include any person involved in school district security activities or state, local, or federal law enforcement activities. Such activities are no longer required to be sponsored by the government.

A parent, legal guardian or grandparent with a concealed weapons permit picking up or dropping off a student is exempt.

A person may have a firearm or other dangerous weapon on school grounds in a vehicle if the weapon is: (1) secured in an attended vehicle; (2) concealed in a locked unattended vehicle; or (3) secured and unloaded in a vehicle.

Signs must be posted around schools to provide notice about the law.

Public and private school officials are required to report annually about violations of the prohibition against weapons on school grounds.

A police officer may make a warrantless arrest if the officer has probable cause to believe that a person unlawfully possesses or possessed a firearm or other dangerous weapon on school premises.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This legislation gives school officials and law enforcement officers one more tool to help keep schools safe. Guns and other dangerous weapons do not belong on school grounds.

TESTIMONY AGAINST:

Schools are not enforcing the current laws which prohibit students from having guns or dangerous weapons on school grounds. This legislation is too broad and infringes on the

right to keep and bear arms. This legislation should not apply to persons with concealed weapons permits.

TESTIFIED: PRO: Dwayne Slate, Washington State School Directors Association; Jean Wasson, North Kitsap School Board; Doug Vose, Concrete School Board; Walter Ball, Pat Batiste Brown, Karin Stevens, Association of Washington School Principals; Chris Baldrige, Washington State PTA; Lynn McKinnon, Public School Employees; Susan Patrick, Office of the Superintendent of Public Instruction; Linda Byrnes, State Board of Education; Mary Cline, Highline School District; Jack Paul, Tacoma Public Schools; Marcia Costello, Washington Association of School Administrators; CON: John Lenzi, National Rifle Association; George Aiton, Washington Arms Collectors; Al Woodbridge, Washington State Rifle and Pistol Association; Paul Williams, Citizens Committee for the Right to Keep & Bear Arms; Ted Cowan, King County Outdoor Sports Council

HOUSE AMENDMENT(S):

Firearms or other dangerous weapons are prohibited on school premises, school transportation, or areas of facilities used exclusively by public or private schools.

A student violating this prohibition may be expelled from the state's schools but if the student carries firearms on school grounds, the student must be expelled. Parents or guardians must be notified of any violation.

Exemptions added to current law include: (1) picking up or dropping off a student if the person has a concealed weapons permit; (2) possession of a firearm in secured or attended vehicle or concealed within a locked unattended vehicle while conducting legitimate business at school; (3) any law enforcement officer. Except for security officers and authorized classes or demonstrations, guns and other dangerous weapons cannot be brought into a school building.

Gun free zone signs must be posted.

Public and private schools must report incidents of weapons on school grounds.

Police officers may make warrantless arrests for violations of weapons on school grounds.