

SENATE BILL REPORT

SB 5307

AS REPORTED BY COMMITTEE ON EDUCATION, FEBRUARY 22, 1993

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

SPONSORS: 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

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. 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 law enforcement activities. Such activities are no longer required to be sponsored by the government.

It is a misdemeanor for any person to enter onto public or private school premises, school-provided transportation, or athletic facilities leased by public or private schools while knowingly possessing a firearm.

The authority of cities, towns, counties and other municipalities to enact laws, policies, or ordinances restricting the possession and use of firearms is expanded to include restriction of firearms on school premises, school-provided transportation, or athletic facilities leased by public or private schools.

EFFECT OF PROPOSED SUBSTITUTE:

A person may have a firearm or other dangerous weapon on school grounds if the person is in legal possession of the weapon and the weapon is secured in an attended vehicle or concealed in a locked vehicle.

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