
HOUSE BILL 1299

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Pruitt, Forner, J. Kohl, Shin, Flemming, Carlson, Peery, Basich, Scott, Cothorn, Thibaudeau, Kessler, Holm, Karahalios, Eide, Linville, Johanson, G. Cole, Riley, Van Luven, Jacobsen, Wang, Leonard, Quall, Silver, Brumsickle, Thomas, H. Myers, Rayburn and L. Johnson; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

Read first time 01/22/93. Referred to Committee on Judiciary.

1 AN ACT Relating to student safety and discipline; amending RCW
2 9.41.280, 9.41.300, 28A.225.210, 28A.225.215, 28A.225.225, 28A.175.090,
3 and 28A.635.060; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.280 and 1989 c 219 s 1 are each amended to read
6 as follows:

7 (1) It is unlawful for (~~(an elementary or secondary school student~~
8 ~~under the age of twenty-one knowingly)~~) a person to carry onto public
9 or private elementary or secondary school premises, school-provided
10 transportation, or premises where school-sponsored events are being
11 held:

12 (a) Any firearm; or

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

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

17 (d) Any device, commonly known as "throwing stars", which are
18 multi-pointed, metal objects designed to embed upon impact from any
19 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 ~~((student))~~ person violating subsection (1) of this
5 section is guilty of a gross misdemeanor.

6 Any violation of subsection (1) of this section by elementary or
7 secondary school students constitutes grounds for expulsion.

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

9 (a) Any student or employee of a private military academy; or

10 (b) Any ~~((student))~~ person engaged in military, law enforcement, or
11 school district security activities(~~(, sponsored by the federal or~~
12 ~~state governments while engaged in official duties))~~; or

13 (c) Any ~~((student))~~ person who is ~~((attending))~~ involved in a
14 convention, showing, demonstration, lecture, or firearms safety course
15 authorized by school authorities in which the firearms of collectors or
16 instructors are handled or displayed; or

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

20 (e) Any ~~((student))~~ person while the ~~((student))~~ person is
21 participating in a firearms or air gun competition approved by the
22 school or school district.

23 **Sec. 2.** RCW 9.41.300 and 1985 c 428 s 2 are each amended to read
24 as follows:

25 (1) It is unlawful for any person to enter the following places
26 when he or she knowingly possesses or knowingly has under his or her
27 control a firearm:

28 (a) The restricted access areas of a jail, or of a law enforcement
29 facility, or any place used for the confinement of a person (i)
30 arrested for, charged with, or convicted of an offense, (ii) charged
31 with being or adjudicated to be a juvenile offender as defined in RCW
32 13.40.020, (iii) held for extradition or as a material witness, or (iv)
33 otherwise confined pursuant to an order of a court, except an order
34 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
35 include common areas of egress or ingress open to the general public;

36 (b) A courtroom or judge's chamber, while either is being used for
37 any judicial proceeding. This does not include common areas of egress
38 and ingress of the courthouse;

1 (c) The restricted access areas of a public mental health facility
2 certified by the department of social and health services for inpatient
3 hospital care and state institutions for the care of the mentally ill,
4 excluding those facilities solely for evaluation and treatment.
5 Restricted access areas do not include common areas of egress and
6 ingress open to the general public; ~~((or))~~

7 (d) That portion of an establishment classified by the state liquor
8 control board as off-limits to persons under twenty-one years of age;
9 or

10 (e) Public or private school premises, school-provided
11 transportation, or premises where school-sponsored events are being
12 held.

13 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and
14 other municipalities may enact laws, policies, and ordinances:

15 (a) Restricting the discharge of firearms in any portion of their
16 respective jurisdictions where there is a reasonable likelihood that
17 humans, domestic animals, or property will be jeopardized. Such laws,
18 policies, and ordinances shall not abridge the right of the individual
19 guaranteed by Article I, section 24 of the state Constitution to bear
20 arms in defense of self or others; ~~((and))~~

21 (b) Restricting the possession of firearms in any stadium or
22 convention center, operated by a city, town, county, or other
23 municipality, except that such restrictions shall not apply to ~~((+~~

24 ~~(i) Any firearm in the possession of a person licensed under RCW~~
25 ~~9.41.070; or~~

26 ~~(ii))~~ any showing, demonstration, or lecture involving the
27 exhibition of firearms; and

28 (c) Restricting the possession and use of firearms on public school
29 premises, school-provided transportation, or premises where school-
30 sponsored events are being held.

31 (3) The perimeter of the premises of any specific location covered
32 by subsection (1) of this section shall be posted at reasonable
33 intervals to alert the public as to the existence of any law
34 restricting the possession of firearms on the premises.

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

36 (a) A person engaged in military activities sponsored by the
37 federal or state governments, while engaged in official duties;

38 (b) Law enforcement personnel; or

39 (c) Security personnel while engaged in official duties.

1 (5) Subsection (1)(a) of this section does not apply to a person
2 licensed pursuant to RCW 9.41.070 who, upon entering the place or
3 facility, directly and promptly proceeds to the administrator of the
4 facility or the administrator's designee and obtains written permission
5 to possess the firearm while on the premises or checks his or her
6 firearm. The person may reclaim the firearms upon leaving but must
7 immediately and directly depart from the place or facility.

8 (6) Subsection (1)(b) of this section does not apply to a judge or
9 court employee or to any person licensed under RCW 9.41.070 who, before
10 entering the restricted area, directly and promptly proceeds to the
11 court administrator or the administrator's designee and obtains written
12 permission to possess the firearm.

13 (7) Subsection (1)(c) of this section does not apply to any
14 administrator or employee of the facility or to any person who, upon
15 entering the place or facility, directly and promptly proceeds to the
16 administrator of the facility or the administrator's designee and
17 obtains written permission to possess the firearm while on the
18 premises.

19 (8) Subsection (1)(d) of this section does not apply to the
20 proprietor of the premises or his or her employees while engaged in
21 their employment.

22 (9) Any person violating subsection (1) of this section is guilty
23 of a misdemeanor.

24 **Sec. 3.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
25 read as follows:

26 Every school district shall admit on a tuition free basis all
27 persons of school age who reside within this state, and do not reside
28 within another school district carrying the grades for which they are
29 eligible to enroll: PROVIDED, That nothing in this section shall be
30 construed as affecting RCW 28A.225.220 or 28A.225.250. Nothing in this
31 section requires a school district to admit any person currently
32 subject to an expulsion or long-term suspension for a violation of RCW
33 9.41.280 in another school district.

34 **Sec. 4.** RCW 28A.225.215 and 1989 c 118 s 1 are each amended to
35 read as follows:

36 (1) A school district shall not require proof of residency or any
37 other information regarding an address for any child who is eligible by

1 reason of age for the services of the school district if the child does
2 not have a legal residence.

3 (2) A school district shall enroll a child without a legal
4 residence under subsection (1) of this section at the request of the
5 child or parent or guardian of the child. Nothing in this section
6 requires a school district to admit any person currently subject to an
7 expulsion or long-term suspension for a violation of RCW 9.41.280 in
8 another school district.

9 **Sec. 5.** RCW 28A.225.225 and 1990 1st ex.s. c 9 s 203 are each
10 amended to read as follows:

11 (1) All districts accepting applications from nonresident students
12 for admission to the district's schools shall consider equally all
13 applications received. Nothing in this section requires a school
14 district to admit any person currently subject to an expulsion or long-
15 term suspension for a violation of RCW 9.41.280 in another school
16 district. Each school district shall adopt a policy establishing
17 rational, fair, and equitable standards for acceptance and rejection of
18 applications by June 30, 1990.

19 (2) The district shall provide to applicants written notification
20 of the approval or denial of the application in a timely manner. If
21 the application is rejected, the notification shall include the reason
22 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

23 **Sec. 6.** RCW 28A.175.090 and 1989 c 233 s 8 are each amended to
24 read as follows:

25 (1) Beginning with the 1989-1990 school year and concluding at the
26 end of the 1993-1994 school year, any student who has dropped out of
27 high school for six weeks or longer, or has returned from participation
28 in a substance abuse treatment program, or is about to become or is a
29 teen parent, or has returned from hospitalization due to a mental
30 health problem may choose to attend any other high school in the state
31 regardless of residence. Students may attend high school in a
32 nonresident school district only if they are accepted by the high
33 school and pursuant to policies and procedures of the nonresident
34 school district. Nothing in this section requires a school district to
35 admit any person currently subject to an expulsion or long-term
36 suspension for a violation of RCW 9.41.280 in another school district.
37 Receiving school districts may not charge nonresident students tuition.

1 Schools and districts are encouraged to accept students who choose to
2 transfer if they meet these conditions. Basic education funding
3 allocations from the state shall follow the students.

4 (2) The superintendent of public instruction shall report to the
5 legislature and the governor by December 1, 1994, on the student
6 enrollment patterns pursuant to the provisions of this section.

7 (3) This section shall expire December 31, 1994.

8 **Sec. 7.** RCW 28A.635.060 and 1989 c 269 s 6 are each amended to
9 read as follows:

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

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

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

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