

# FINAL BILL REPORT

## SSB 5214

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C 167 L 99

Synopsis as Enacted

**Brief Description:** Providing for additional investigations when a student is charged with possession of a firearm on school facilities.

**Sponsors:** Senate Committee on Education (originally sponsored by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley).

**Senate Committee on Education**

**House Committee on Judiciary**

**House Committee on Appropriations**

**Background:** Under current law, it is illegal to possess dangerous weapons on school premises and school-provided transportation. Specific exemptions are provided for military academies, military and law enforcement activities, conventions, educational activities, rifle competitions, and persons licensed to carry concealed pistols who are picking up or dropping off students. A student who illegally possesses a firearm on school premises is subject to expulsion for at least one year, subject to modification by the local school district superintendent.

**Summary:** Detention for Illegally Possessing Firearm. A person must be detained up to 72 hours if the person has been arrested for illegally possessing a firearm on school premises, and the person is at least 12 and not more than 21 years of age. The arrested person may not be released from detention until a county designated mental health professional (CDMHP) has examined and evaluated the person. However, a court may release the person at any time after a determination regarding probable cause or on probation bond or bail.

Post-Arrest Notifications by Police. Within 24 hours of arresting a 12 to 21 year-old who has illegally possessed a firearm on school premises, the police must refer the person to the CDMHP for an examination and evaluation and contact the person's parent or guardian.

Mental Health Examination and Evaluation. The CDMHP must examine and evaluate the arrested person using the appropriate criteria in the RCW titles concerning mental illness and mental health services for minors. The examinations must occur at the facility where the person is being held or at any other appropriate place if the person has been released on probation bond or bail. Other mental health examinations may be administered while the person is detained or confined. In addition, the CDMHP may refer the person to the local regional support network for follow-up services or to other services. The CDMHP may also refer the person's family to the appropriate services.

Chemical Dependency Examination and Evaluation. The CDMHP may refer the arrested person to a chemical dependency specialist for examination and evaluation using the criteria in the RCW chapter concerning treatment for alcoholism, intoxication, and drug addiction.

The examination may occur at the facility where the person is being held or at any other appropriate place if the person has been released on probation bond or bail.

Results of Mental Health and Chemical Dependency Examinations. The examining CDMHP and chemical dependency specialist must send the results of their examinations to the court. The court must consider the results when making any determinations about the arrested person. To the extent permitted by law, the CDMHP and the chemical dependency specialist must notify the arrested person's parent or guardian that an examination and evaluation have taken place and provide the results of the examination.

Mandatory Locker Searches. School officials must search a student's locker if they reasonably believe the student is illegally possessing a gun on campus.

**Votes on Final Passage:**

Senate	47	0	
House	92	3	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** July 25, 1999