

SENATE BILL REPORT

SB 5214

As Reported By Senate Committee On:
Education, February 4, 1999

Title: An act relating to detention of minors who illegally possess firearms on school facilities.

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

Sponsors: Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley.

Brief History:

Committee Activity: Education: 1/18/99, 2/4/99 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Rasmussen, Sellar and Zarelli.

Staff: William Bridges (786-7424)

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 of Substitute Bill: Parental Notification for Illegally Possessing Firearm. Upon the arrest of a person under 18 years of age who has illegally possessed a firearm on school premises, the police must contact the person's parent or guardian.

Mental Health and Chemical Dependency Interviews. Upon the arrest of a person under 18 years of age who has illegally possessed a firearm on school premises, the police must immediately refer the person to the county-designated mental health professional. The court may not release the person on probation bond until the person has been interviewed by the mental health professional. If the mental health professional recommends a chemical dependency assessment, then the person must be assessed by a chemical dependency specialist or an approved treatment program. If the mental health evaluator recommends an assessment by a chemical dependency specialist, then the court may not release the person on probation bond until after the assessment.

Detention for Illegally Possessing Firearm. Upon the arrest of a person at least 10 and under 18 years of age who has illegally possessed a firearm on school premises, the police must detain the person for at least 24 hours. Exceptions: (1) those released after a judge finds no probable cause for arrest, or (2) those released on bail after completion of a mental health interview or a chemical dependency assessment or both.

Mandatory Locker Searches. Locker searches are mandatory when school officials have a reasonable belief that a student is illegally possessing a gun on campus.

Substitute Bill Compared to Original Bill: (1) Police are required to contact a parent or guardian upon arrest; (2) interviews are required by a county-designated mental health professional and a chemical dependency specialist (if recommended by the mental health professional) before release on bail; (3) the Juvenile Justice Act is amended to clarify that the right to bail is limited to those who bring firearms to school; and (4) the statute concerning locker searches is amended so that searches are mandatory when school officials have a reasonable belief that a student is illegally possessing a gun on campus.

Appropriation: None.

Fiscal Note: Requested on January 21, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: In many cases, a person who brings a gun to school is calling for help; time is needed to evaluate the person's mental condition so that assistance can be given. This bill is a good step in making that assistance possible. The bill also is a good step in helping to make schools safe. The following suggestions were made: (1) the mental assessment should occur before a person is released; (2) the assessment should include a drug and alcohol component; (3) the provision concerning locker searches is redundant; (4) an earlier provision concerning home searches should not be revived; (5) all dangerous weapons should be treated equally; (6) authorities need to find out if guns are kept at home, and (7) ages for detention and mental health referrals should be uniform.

Testimony Against: None.

Testified: PRO: Senator McAuliffe, prime sponsor; Denise Fitch, OSPI; John Pope, WA Assn. of School Principals; Dwayne Slate, WA State School Directors' Assn.; Joe Waldron, Citizens Committee for the Right to Keep and Bear Arms, Gun Owners Action League of WA (pro with concerns); Sherri Williams, Public School Employees.