
SUBSTITUTE SENATE BILL 5214

State of Washington

56th Legislature

1999 Regular Session

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

Read first time 02/05/1999.

1 AN ACT Relating to detention of minors who illegally possess
2 firearms on school facilities; and amending RCW 9.41.280, 13.40.040,
3 and 28A.600.230.

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

5 **Sec. 1.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read
6 as follows:

7 (1) It is unlawful for a person to carry onto, or to possess on,
8 public or private elementary or secondary school premises, school-
9 provided transportation, or areas of facilities while being used
10 exclusively by public or private schools:

11 (a) Any firearm;

12 (b) Any other dangerous weapon as defined in RCW 9.41.250;

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

16 (d) Any device, commonly known as "throwing stars", which are
17 multi-pointed, metal objects designed to embed upon impact from any
18 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 person violating subsection (1) of this section is
5 guilty of a gross misdemeanor. If any person is convicted of a
6 violation of subsection (1)(a) of this section, the person shall have
7 his or her concealed pistol license, if any revoked for a period of
8 three years. Anyone convicted under this subsection is prohibited from
9 applying for a concealed pistol license for a period of three years.
10 The court shall send notice of the revocation to the department of
11 licensing, and the city, town, or county which issued the license.

12 Any violation of subsection (1) of this section by elementary or
13 secondary school students constitutes grounds for expulsion from the
14 state's public schools in accordance with RCW 28A.600.010. An
15 appropriate school authority shall promptly notify law enforcement and
16 the student's parent or guardian regarding any allegation or indication
17 of such violation.

18 Upon arrest of any person under the age of eighteen years on the
19 charge of a violation of subsection (1)(a) of this section, the
20 arresting law enforcement agency shall immediately refer the arrested
21 person to the county-designated mental health professional under
22 chapter 71.34 RCW and contact a parent or guardian of the person.

23 Upon arrest of any person at least ten years of age and under the
24 age of eighteen on the charge of violating subsection (1)(a) of this
25 section, the juvenile correctional authorities shall detain and confine
26 the person for at least twenty-four hours unless released from custody
27 by a court after a determination regarding probable cause or on
28 probation bond. In no event may the court release the person on
29 probation bond until the person has been interviewed by the county-
30 designated mental health professional as provided in chapter 71.34 RCW.
31 If the county-designated mental health professional recommends a
32 chemical dependency evaluation, then the court shall not release the
33 person until the person has been assessed by the chemical dependency
34 specialist or an approved treatment program as defined in chapter
35 70.96A RCW.

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

37 (a) Any student or employee of a private military academy when on
38 the property of the academy;

1 (b) Any person engaged in military, law enforcement, or school
2 district security activities;

3 (c) Any person who is involved in a convention, showing,
4 demonstration, lecture, or firearms safety course authorized by school
5 authorities in which the firearms of collectors or instructors are
6 handled or displayed;

7 (d) Any person while the person is participating in a firearms or
8 air gun competition approved by the school or school district;

9 (e) Any person in possession of a pistol who has been issued a
10 license under RCW 9.41.070, or is exempt from the licensing requirement
11 by RCW 9.41.060, while picking up or dropping off a student;

12 (f) Any nonstudent at least eighteen years of age legally in
13 possession of a firearm or dangerous weapon that is secured within an
14 attended vehicle or concealed from view within a locked unattended
15 vehicle while conducting legitimate business at the school;

16 (g) Any nonstudent at least eighteen years of age who is in lawful
17 possession of an unloaded firearm, secured in a vehicle while
18 conducting legitimate business at the school; or

19 (h) Any law enforcement officer of the federal, state, or local
20 government agency.

21 (4) Subsections (1)(c) and (d) of this section do not apply to any
22 person who possesses nun-chu-ka sticks, throwing stars, or other
23 dangerous weapons to be used in martial arts classes authorized to be
24 conducted on the school premises.

25 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of
26 this section, firearms are not permitted in a public or private school
27 building.

28 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
29 giving warning of the prohibition of the possession of firearms on
30 school grounds.

31 **Sec. 2.** RCW 13.40.040 and 1997 c 338 s 13 are each amended to read
32 as follows:

33 (1) A juvenile may be taken into custody:

34 (a) Pursuant to a court order if a complaint is filed with the
35 court alleging, and the court finds probable cause to believe, that the
36 juvenile has committed an offense or has violated terms of a
37 disposition order or release order; or

1 (b) Without a court order, by a law enforcement officer if grounds
2 exist for the arrest of an adult in identical circumstances. Admission
3 to, and continued custody in, a court detention facility shall be
4 governed by subsection (2) of this section; or

5 (c) Pursuant to a court order that the juvenile be held as a
6 material witness; or

7 (d) Where the secretary or the secretary's designee has suspended
8 the parole of a juvenile offender.

9 (2) A juvenile may not be held in detention unless there is
10 probable cause to believe that:

11 (a) The juvenile has committed an offense or has violated the terms
12 of a disposition order; and

13 (i) The juvenile will likely fail to appear for further
14 proceedings; or

15 (ii) Detention is required to protect the juvenile from himself or
16 herself; or

17 (iii) The juvenile is a threat to community safety; or

18 (iv) The juvenile will intimidate witnesses or otherwise unlawfully
19 interfere with the administration of justice; or

20 (v) The juvenile has committed a crime while another case was
21 pending; or

22 (b) The juvenile is a fugitive from justice; or

23 (c) The juvenile's parole has been suspended or modified; or

24 (d) The juvenile is a material witness.

25 (3) Upon a finding that members of the community have threatened
26 the health of a juvenile taken into custody, at the juvenile's request
27 the court may order continued detention pending further order of the
28 court.

29 (4) Except as provided in RCW 9.41.280, a juvenile detained under
30 this section may be released upon posting a probation bond set by the
31 court. The juvenile's parent or guardian may sign for the probation
32 bond. A court authorizing such a release shall issue an order
33 containing a statement of conditions imposed upon the juvenile and
34 shall set the date of his or her next court appearance. The court
35 shall advise the juvenile of any conditions specified in the order and
36 may at any time amend such an order in order to impose additional or
37 different conditions of release upon the juvenile or to return the
38 juvenile to custody for failing to conform to the conditions imposed.
39 In addition to requiring the juvenile to appear at the next court date,

1 the court may condition the probation bond on the juvenile's compliance
2 with conditions of release. The juvenile's parent or guardian may
3 notify the court that the juvenile has failed to conform to the
4 conditions of release or the provisions in the probation bond. If the
5 parent notifies the court of the juvenile's failure to comply with the
6 probation bond, the court shall notify the surety. As provided in the
7 terms of the bond, the surety shall provide notice to the court of the
8 offender's noncompliance. A juvenile may be released only to a
9 responsible adult or the department of social and health services.
10 Failure to appear on the date scheduled by the court pursuant to this
11 section shall constitute the crime of bail jumping.

12 **Sec. 3.** RCW 28A.600.230 and 1989 c 271 s 246 are each amended to
13 read as follows:

14 (1) A school principal, vice principal, or principal's designee may
15 search a student, the student's possessions, and the student's locker,
16 if the principal, vice principal, or principal's designee has
17 reasonable grounds to suspect that the search will yield evidence of
18 the student's violation of the law or school rules. A search is
19 mandatory if there are reasonable grounds to suspect a student has
20 illegally possessed a firearm in violation of RCW 9.41.280.

21 (2) Except as provided in subsection (3) of this section, the scope
22 of the search is proper if the search is conducted as follows:

23 (a) The methods used are reasonably related to the objectives of
24 the search; and

25 (b) Is not excessively intrusive in light of the age and sex of the
26 student and the nature of the suspected infraction.

27 (3) A principal or vice principal or anyone acting under their
28 direction may not subject a student to a strip search or body cavity
29 search as those terms are defined in RCW 10.79.070.

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