
SENATE BILL 5214

State of Washington

56th Legislature

1999 Regular Session

By Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley

Read first time 01/15/1999. Referred to Committee on Education.

1 AN ACT Relating to detention of minors who illegally possess
2 firearms on school facilities; and amending RCW 9.41.280.

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

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

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

10 (a) Any firearm;

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

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

15 (d) Any device, commonly known as "throwing stars", which are
16 multi-pointed, metal objects designed to embed upon impact from any
17 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 Any juvenile at least ten years of age and under the age of
19 eighteen arrested on charges of a violation of subsection (1)(a) of
20 this section shall be detained and confined by the arresting law
21 enforcement agency for a minimum of twenty-four hours unless released
22 from custody by a judicial authority after a determination regarding
23 probable cause or sooner on bail.

24 An appropriate school authority, upon the arrest of a student for
25 a violation of subsection (1)(a) of this section, shall immediately
26 cause a search to be made of the student's locker and any of the
27 student's possessions on the school grounds pursuant to chapter 28A.600
28 RCW. The search shall be made to determine whether there are items in
29 the locker or possessions of the student in violation of this section.
30 Any items found as a result of the search shall be given to the
31 appropriate law enforcement authority.

32 Upon arrest of any person under the age of eighteen years on
33 charges of a violation of subsection (1)(a) of this section, the
34 arresting law enforcement agency shall refer the arrested person to the
35 county designated mental health professional pursuant to chapter 71.34
36 RCW.

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

38 (a) Any student or employee of a private military academy when on
39 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.

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