HOUSE BILL REPORT
ESHB 2137

As Amended by the Senate

Title: An act relating to explosives on school premises.

Brief Description: Prohibiting explosives on school premises.

Sponsors: By House Committee on Education (originally sponsored by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley).

Brief History:
  Committee Activity:
    Education: 2/21/01, 2/26/01 [DPS].
  Floor Activity:
    Passed House: 3/13/01, 94-0.
    Senate Amended.
    Passed Senate: 4/11/01, 47-0.
    House Refused to Concur.
    Senate Receded.
    Senate Amended.
    Passed Senate: 4/19/01, 41-0.

Brief Summary of Engrossed Substitute Bill

· Includes possession of explosives in the category of offenses for which an elementary or secondary school student shall be expelled for not less than one year.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, D. Schmidt and Schual-Berke.

Staff: Sydney Forrester (786-7120).

Background:

A student who brings a firearm onto school grounds, school-provided transportation, or areas of facilities used exclusively for schools must be expelled for at least one year. A district *may* suspend or expel a student for *up to* one year if the student acts with malice and displays an instrument that appears to be (but is not) a firearm on school grounds, facilities, or school-provided transportation.

A student who is authorized by school authorities to possess a firearm or rifle as part of a demonstration and lecture for a safety course is not subject to penalty.

As used in this context firearm– is defined by reference to the criminal code chapter on firearms and dangerous weapons.

Summary of Bill:

Possession of an explosive is added to the behavior for which a one or more year period of expulsion from school is required. A student who brings an explosive onto school grounds, school-provided transportation, or areas of facilities used exclusively for schools must be expelled for at least one year. A student who acts with malice and displays what appears to be (but is not) an explosive or explosive device *may* be expelled or suspended for *up to* one year.

A student authorized by school authorities to possess an explosive as part of a safety course is not subject to penalty.

Explosives are defined by reference to the explosives act and do not include legal fireworks.

EFFECT OF SENATE AMENDMENT(S):

Strikes all of SHB 2137 and removes all references to explosives and school administrative authority.

Incorporates SSB 5544, and portions of HB 1939 requiring a 72-hour detention and a mental health evaluation of persons 13 - 21 years of age arrested for threatening to bomb school property, or possessing a firearm on school property.

Appropriation: None.

Fiscal Note: Requested February 21, 2001.

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

Testimony For: Washington law currently allows only a 10-day suspension for possession of explosives on school campuses. Explosives are as dangerous, and potentially more dangerous than firearms and should carry the same consequence as firearms. Principals are charged with safety at schools. Firearms laws have helped tremendously. Schools have seen an increase in the possession of explosives. Including explosives with firearms laws is consistent with the state's efforts to keep schools safe and sends a clear message to students that this behavior will not be tolerated.

Testimony Against: None.

Testified: (In support) Representative Hunt, prime sponsor; Rainer Houser, Association of Washington School Principals; and Barbara Mertens, Washington Association of School Administrators.