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HOUSE BILL 1485

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Carrell, Lovick, Benson and Boldt

Read first time 01/26/2001. Referred to Committee on Judiciary.

1            AN ACT Relating to school safety; amending RCW 9.41.280; adding a  
2 new section to chapter 28A.600 RCW; creating a new section; prescribing  
3 penalties; and declaring an emergency.

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

5            **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 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)(a) Any (~~such~~) person violating subsection (1) of this section  
5 is guilty of a gross misdemeanor, except that any student of a public  
6 or private school who violates subsection (1)(a) of this section is  
7 guilty of a class C felony.

8 (b) If any person is convicted of a violation of subsection (1)(a)  
9 of this section, the person shall have his or her concealed pistol  
10 license, if any revoked for a period of three years. Anyone convicted  
11 under this subsection is prohibited from applying for a concealed  
12 pistol license for a period of three years. The court shall send  
13 notice of the revocation to the department of licensing, and the city,  
14 town, or county which issued the license.

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

21 Upon the arrest of a person at least twelve years of age and not  
22 more than twenty-one years of age for violating subsection (1)(a) or  
23 (f) of this section, the person shall be detained or confined in a  
24 juvenile or adult facility for up to seventy-two hours. The person  
25 shall not be released within the seventy-two hours until after the  
26 person has been examined and evaluated by the county-designated mental  
27 health professional unless the court in its discretion releases the  
28 person sooner after a determination regarding probable cause or on  
29 probation bond or bail.

30 Within twenty-four hours of the arrest, the arresting law  
31 enforcement agency shall refer the person to the county-designated  
32 mental health professional for examination and evaluation under chapter  
33 71.05 or 71.34 RCW and inform a parent or guardian of the person of the  
34 arrest, detention, and examination. The county-designated mental  
35 health professional shall examine and evaluate the person subject to  
36 the provisions of chapter 71.05 or 71.34 RCW. The examination shall  
37 occur at the facility in which the person is detained or confined. If  
38 the person has been released on probation, bond, or bail, the  
39 examination shall occur wherever is appropriate.

1 The county-designated mental health professional may determine  
2 whether to refer the person to the county-designated chemical  
3 dependency specialist for examination and evaluation in accordance with  
4 chapter 70.96A RCW. The county-designated chemical dependency  
5 specialist shall examine the person subject to the provisions of  
6 chapter 70.96A RCW. The examination shall occur at the facility in  
7 which the person is detained or confined. If the person has been  
8 released on probation, bond, or bail, the examination shall occur  
9 wherever is appropriate.

10 Upon completion of any examination by the county-designated mental  
11 health professional or the county-designated chemical dependency  
12 specialist, the results of the examination shall be sent to the court,  
13 and the court shall consider those results in making any determination  
14 about the person.

15 The county-designated mental health professional and county-  
16 designated chemical dependency specialist shall, to the extent  
17 permitted by law, notify a parent or guardian of the person that an  
18 examination and evaluation has taken place and the results of the  
19 examination. Nothing in this subsection prohibits the delivery of  
20 additional, appropriate mental health examinations to the person while  
21 the person is detained or confined.

22 If the county-designated mental health professional determines it  
23 is appropriate, the county-designated mental health professional may  
24 refer the person to the local regional support network for follow-up  
25 services or the department of social and health services or other  
26 community providers for other services to the family and individual.

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

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

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

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

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

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

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

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

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

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

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

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

23 (7) If a violation of subsection (1)(a) of this section occurs and  
24 the prosecuting attorney decides not to file charges, the prosecuting  
25 attorney shall issue written findings supporting the decision and those  
26 findings shall be a public record.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600  
28 RCW to read as follows:

29 To improve safety and security within local schools, a school  
30 district board of directors may employ school security officers, the  
31 qualifications and duties of which shall be determined by the board.

32 If a district authorizes school security officers to carry a  
33 firearm on school premises, the district shall enter into an agreement  
34 with a local law enforcement agency. The agreement shall require the  
35 local law enforcement agency to maintain a registry of school security  
36 officers hired by the district and to recommend to the district  
37 training activities and qualification guidelines for school security  
38 officers. The agreement shall also provide for the secure storage of

1 the firearms to be used by the school security officers either at a  
2 central school district facility or at a facility of the law  
3 enforcement agency and shall provide that in either case the firearms  
4 shall be stored and maintained in a manner consistent with the policies  
5 of the local law enforcement agency regarding the storage and  
6 maintenance of firearms for its own personnel.

7 NEW SECTION. **Sec. 3.** If any part of this act is found to be in  
8 conflict with federal requirements, the conflicting part of this act is  
9 hereby declared to be inoperative solely to the extent of the conflict,  
10 and such finding or determination does not affect the operation of the  
11 remainder of this act. Rules adopted under this act must meet federal  
12 requirements.

13 NEW SECTION. **Sec. 4.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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