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**SUBSTITUTE HOUSE BILL 2137**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

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

Read first time . Referred to Committee on .

1 AN ACT Relating to explosives on school premises; amending RCW  
2 28A.600.420; and prescribing penalties.

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

4 **Sec. 1.** RCW 28A.600.420 and 1997 c 265 s 5 are each amended to  
5 read as follows:

6 (1) Any elementary or secondary school student who is determined to  
7 have carried a firearm or an explosive onto, or to have possessed a  
8 firearm or explosive on, public elementary or secondary school  
9 premises, public school-provided transportation, or areas of facilities  
10 while being used exclusively by public schools, shall be expelled from  
11 school for not less than one year under RCW 28A.600.010. The  
12 superintendent of the school district, educational service district,  
13 state school for the deaf, or state school for the blind may modify the  
14 expulsion of a student on a case-by-case basis.

15 (2)(a) For purposes of this section, "firearm" means a firearm as  
16 defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW  
17 9.41.010.

18 (b) For purposes of this section, "explosive" means an explosive as  
19 defined in RCW 70.74.010.

1 (3) This section shall be construed in a manner consistent with the  
2 individuals with disabilities education act, 20 U.S.C. Sec. 1401 et  
3 seq.

4 (4) Nothing in this section prevents a public school district,  
5 educational service district, the state school for the deaf, or the  
6 state school for the blind if it has expelled a student from such  
7 student's regular school setting from providing educational services to  
8 the student in an alternative setting.

9 (5) This section does not apply to:

10 (a) Any student while engaged in military education authorized by  
11 school authorities in which rifles are used but not other firearms or  
12 explosives; or

13 (b) Any student while involved in a convention, showing,  
14 demonstration, lecture, or firearms or explosives safety course  
15 authorized by school authorities in which the rifles of collectors or  
16 instructors are handled or displayed but not other firearms or  
17 explosives; or

18 (c) Any student while participating in a rifle competition  
19 authorized by school authorities.

20 (6) A school district may suspend or expel a student for up to one  
21 year subject to subsections (1), (3), (4), and (5) of this section, if  
22 the student acts with malice as defined under RCW 9A.04.110 and  
23 displays an instrument that (~~appeared~~ ~~[appears]~~) appears to be a  
24 firearm or an explosive or explosive device including but not limited  
25 to a bomb, on public elementary or secondary school premises, public  
26 school-provided transportation, or areas of facilities while being used  
27 exclusively by public schools.

28 NEW SECTION. Sec. 2. This act shall not be construed to require  
29 suspension or expulsion for the possession of fireworks on school  
30 grounds. As used in this chapter, "fireworks" means any fireworks  
31 defined in RCW 70.77.126 and determined by the Washington state fire  
32 marshal to be legally possessed by the person in possession of the  
33 fireworks.

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