
SUBSTITUTE SENATE BILL 5544

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Education (originally sponsored by Senators Thibaudeau, Rasmussen, Regala, Costa and Winsley; by request of Governor Locke and Superintendent of Public Instruction)

READ FIRST TIME 02/28/01.

1 AN ACT Relating to mental health evaluation of minors who commit
2 felonies on school facilities; amending RCW 9.41.280; adding a new
3 section to chapter 9.61 RCW; and adding a new section to chapter 9A.48
4 RCW.

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

6 **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read
7 as follows:

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

12 (a) Any firearm;

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

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

17 (d) Any device, commonly known as "throwing stars", which are
18 multi-pointed, metal objects designed to embed upon impact from any
19 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 the arrest of a person at least (~~twelve~~) thirteen years of
19 age and not more than twenty-one years of age for violating subsection
20 (1)(a) of this section, the person shall be detained or confined in a
21 juvenile or adult facility for up to seventy-two hours. The person
22 shall not be released within the seventy-two hours until after the
23 person has been examined and evaluated by the (~~county-designated~~
24 ~~mental health professional~~) person or agency designated by the local
25 regional support network unless the court in its discretion releases
26 the person sooner after a determination regarding probable cause or on
27 probation bond or bail.

28 Within twenty-four hours of the arrest, the arresting law
29 enforcement agency shall refer the person to the (~~county-designated~~
30 ~~mental health professional for examination and evaluation under chapter~~
31 ~~71.05 or 71.34 RCW~~) person or agency designated by the local regional
32 support network to conduct a mental health examination and evaluation
33 and inform a parent or guardian of the person of the arrest, detention,
34 and examination. (~~The county-designated mental health professional~~
35 ~~shall examine and evaluate the person subject to the provisions of~~
36 ~~chapter 71.05 or 71.34 RCW.~~) Notification to the parent or guardian
37 shall occur prior to any examination or evaluation by the person or
38 agency designated by the local regional support network. The
39 examination and evaluation shall occur within twenty-four hours of

1 receiving the referral. The examination shall occur at the facility in
2 which the person is detained or confined. If the person has been
3 released on probation(~~(7)~~) bond(~~(7)~~) or bail, the examination shall
4 occur wherever is appropriate.

5 The (~~county-designated mental health professional~~) person or
6 agency designated by the local regional support network may, when
7 appropriate, determine whether to refer the person to the county-
8 designated mental health professional or the county-designated chemical
9 dependency specialist for examination and evaluation for commitment
10 proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW.
11 When a referral is made by the person or agency designated by the local
12 regional support network, the county-designated mental health
13 professional or the county-designated chemical dependency specialist
14 shall examine the person subject to the provisions of chapter 71.05,
15 71.34, or 70.96A RCW within twenty-four hours of receiving the
16 referral. The examination shall occur at the facility in which the
17 person is detained or confined. If the person has been released on
18 probation(~~(7)~~) bond(~~(7)~~) or bail, the examination shall occur wherever
19 is appropriate.

20 Upon completion of any examination by the person or agency
21 designated by the local regional support network, the county-designated
22 mental health professional, or the county-designated chemical
23 dependency specialist, the results of the examination shall be sent to
24 the court with jurisdiction, the school, the parents, and to the person
25 if eighteen years of age or older, and the court shall consider those
26 results in making any determination about the person. However, any
27 reference in the examination report or reports to facts or
28 circumstances of the alleged acts which resulted in the arrest of the
29 person shall not be admissible in any criminal or juvenile proceeding
30 if the person was unrepresented by counsel at the time of the
31 examination, or had not been arraigned prior to the examination.

32 The person or agency designated by the local regional support
33 network, the county-designated mental health professional, and the
34 county-designated chemical dependency specialist shall(~~(7 to the extent~~
35 permitted by law,) notify a parent or guardian of the person, if the
36 person is under the age of eighteen, that an examination and evaluation
37 has taken place and the results of the examination. Nothing in this
38 subsection prohibits the delivery of additional, appropriate mental

1 health examinations to the person while the person is detained or
2 confined.

3 If the (~~county designated mental health professional~~) person or
4 agency designated by the local regional support network determines it
5 is appropriate, the (~~county designated mental health professional~~)
6 person or agency designated by the local regional support network may
7 refer the person to the local regional support network for follow-up
8 services or the department of social and health services or other
9 community providers for other services to the family and individual.

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

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

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

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

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

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

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

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

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

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

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

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

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.61 RCW
5 to read as follows:

6 Upon the arrest of a person at least thirteen years of age and not
7 more than twenty-one years of age for violating RCW 9.61.160 by making
8 a threat to bomb, on public or private elementary or secondary school
9 premises, school provided transportation, or areas of facilities while
10 being used exclusively by public or private schools, the person shall
11 be detained or confined in a juvenile or adult facility for up to
12 seventy-two hours. The person shall not be released within the
13 seventy-two hours until after the person has been examined and
14 evaluated by the person or agency designated by the local regional
15 support network unless the court in its discretion releases the person
16 sooner after a determination regarding probable cause or on probation
17 bond or bail.

18 Within twenty-four hours of the arrest, the arresting law
19 enforcement agency shall refer the person to the person or agency
20 designated by the local regional support network to conduct a mental
21 health examination and evaluation and inform a parent or guardian of
22 the person of the arrest, detention, and examination. Notification to
23 the parent or guardian shall occur prior to any examination or
24 evaluation by the person or agency designated by the local regional
25 support network. The examination and evaluation shall occur within
26 twenty-four hours of receiving the referral. The examination shall
27 occur at the facility in which the person is detained or confined. If
28 the person has been released on probation bond or bail, the examination
29 shall occur wherever is appropriate.

30 The person or agency designated by the local regional support
31 network may, when appropriate, determine whether to refer the person to
32 the county-designated mental health professional or the county-
33 designated chemical dependency specialist for examination and
34 evaluation for commitment proceedings in accordance with chapter 71.05,
35 71.34, or 70.96A RCW. When a referral is made by the person or agency
36 designated by the local regional support network, the county-designated
37 mental health professional or the county-designated chemical dependency
38 specialist shall examine the person subject to the provisions of

1 chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of
2 receiving the referral. The examination shall occur at the facility in
3 which the person is detained or confined. If the person has been
4 released on probation bond or bail, the examination shall occur
5 wherever is appropriate.

6 Upon completion of any examination by the person or agency
7 designated by the local regional support network, the county-designated
8 mental health professional, or the county-designated chemical
9 dependency specialist, the results of the examination shall be sent to
10 the court with jurisdiction, the school, the parents, and to the person
11 if eighteen years of age or older, and the court shall consider those
12 results in making any determination about the person. However, any
13 reference in the examination report or reports to facts or
14 circumstances of the alleged acts which resulted in the arrest of the
15 person shall not be admissible in any criminal or juvenile proceeding
16 if the person was unrepresented by counsel at the time of the
17 examination, or had not been arraigned prior to the examination.

18 The person or agency designated by the local regional support
19 network, the county-designated mental health professional, and the
20 county-designated chemical dependency specialist shall notify a parent
21 or guardian of the person, if the person is under the age of eighteen,
22 that an examination and evaluation has taken place and the results of
23 the examination. Nothing in this section prohibits the delivery of
24 additional, appropriate mental health examinations to the person while
25 the person is detained or confined.

26 If the person or agency designated by the local regional support
27 network determines it is appropriate, the person or agency designated
28 by the local regional support network may refer the person to the local
29 regional support network for follow-up services or the department of
30 social and health services or other community providers for other
31 services to the family and individual.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.48 RCW
33 to read as follows:

34 Upon the arrest of a person at least thirteen years of age and not
35 more than twenty-one years of age for violating RCW 9A.48.020 relating
36 to arson in the first degree or RCW 9A.48.030 relating to arson in the
37 second degree, on public or private elementary or secondary school
38 premises, school provided transportation, or areas of facilities while

1 being used exclusively by public or private schools, the person shall
2 be detained or confined in a juvenile or adult facility for up to
3 seventy-two hours. The person shall not be released within the
4 seventy-two hours until after the person has been examined and
5 evaluated by the person or agency designated by the local regional
6 support network unless the court in its discretion releases the person
7 sooner after a determination regarding probable cause or on probation
8 bond or bail.

9 Within twenty-four hours of the arrest, the arresting law
10 enforcement agency shall refer the person to the person or agency
11 designated by the local regional support network to conduct a mental
12 health examination and evaluation and inform a parent or guardian of
13 the person of the arrest, detention, and examination. Notification to
14 the parent or guardian shall occur prior to any examination or
15 evaluation by the person or agency designated by the local regional
16 support network. The examination and evaluation shall occur within
17 twenty-four hours of receiving the referral. The examination shall
18 occur at the facility in which the person is detained or confined. If
19 the person has been released on probation bond or bail, the examination
20 shall occur wherever is appropriate.

21 The person or agency designated by the local regional support
22 network may, when appropriate, determine whether to refer the person to
23 the county-designated mental health professional or the county-
24 designated chemical dependency specialist for examination and
25 evaluation for commitment proceedings in accordance with chapter 71.05,
26 71.34, or 70.96A RCW. When a referral is made by the person or agency
27 designated by the local regional support network, the county-designated
28 mental health professional or the county-designated chemical dependency
29 specialist shall examine the person subject to the provisions of
30 chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of
31 receiving the referral. The examination shall occur at the facility in
32 which the person is detained or confined. If the person has been
33 released on probation bond or bail, the examination shall occur
34 wherever is appropriate.

35 Upon completion of any examination by the person or agency
36 designated by the local regional support network, the county-designated
37 mental health professional, or the county-designated chemical
38 dependency specialist, the results of the examination shall be sent to
39 the court with jurisdiction, the school, the parents, and to the person

1 if eighteen years of age or older, and the court shall consider those
2 results in making any determination about the person. However, any
3 reference in the examination report or reports to facts or
4 circumstances of the alleged acts which resulted in the arrest of the
5 person shall not be admissible in any criminal or juvenile proceeding
6 if the person was unrepresented by counsel at the time of the
7 examination, or had not been arraigned prior to the examination.

8 The person or agency designated by the local regional support
9 network, the county-designated mental health professional, and the
10 county-designated chemical dependency specialist shall notify a parent
11 or guardian of the person, if the person is under the age of eighteen,
12 that an examination and evaluation has taken place and the results of
13 the examination. Nothing in this section prohibits the delivery of
14 additional, appropriate mental health examinations to the person while
15 the person is detained or confined.

16 If the person or agency designated by the local regional support
17 network determines it is appropriate, the person or agency designated
18 by the local regional support network may refer the person to the local
19 regional support network for follow-up services or the department of
20 social and health services or other community providers for other
21 services to the family and individual.

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