
SENATE BILL 6479

State of Washington 57th Legislature

2002 Regular Session

By Senator Hochstatter

Read first time 01/18/2002. Referred to Committee on Education.

1 AN ACT Relating to the protection of schools and students from
2 armed assault; amending RCW 9.41.280 and 9.41.---; adding a new section
3 to chapter 9.41 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
6 to read as follows:

7 (1) It is lawful for all school administrators, school teachers,
8 and all other school employees to carry concealed firearms on school
9 facilities in the state of Washington subject to the following
10 requirements:

11 (a) The person must be qualified to lawfully possess firearms under
12 the laws of the state of Washington;

13 (b) The person must possess a valid concealed pistol license where
14 required by law;

15 (c) Only ammunition determined not to ricochet intact, or over-
16 penetrate, such as the Glaser Safety Slug, may be used;

17 (d) Firearms and ammunition must be on the user's person at all
18 times, unless placed in secure locked storage equivalent to Palmer
19 Security Products' Model 7000TC gun locker.

1 (2) The state of Washington, local authorities, and local school
2 districts are immune from liability for injuries inflicted by persons
3 who choose to carry concealed firearms under this section.

4 (3) Persons who qualify and choose to carry concealed firearms
5 under this section are immune from liability for injuries inflicted
6 while exercising lawful use of force on school facilities.

7 **Sec. 2.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read
8 as follows:

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

13 (a) Any firearm;

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

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

18 (d) Any device, commonly known as "throwing stars", which are
19 multi-pointed, metal objects designed to embed upon impact from any
20 aspect; or

21 (e) Any air gun, including any air pistol or air rifle, designed to
22 propel a BB, pellet, or other projectile by the discharge of compressed
23 air, carbon dioxide, or other gas.

24 (2) Any such person violating subsection (1) of this section is
25 guilty of a gross misdemeanor. If any person is convicted of a
26 violation of subsection (1)(a) of this section, the person shall have
27 his or her concealed pistol license, if any revoked for a period of
28 three years. Anyone convicted under this subsection is prohibited from
29 applying for a concealed pistol license for a period of three years.
30 The court shall send notice of the revocation to the department of
31 licensing, and the city, town, or county which issued the license.

32 Any violation of subsection (1) of this section by elementary or
33 secondary school students constitutes grounds for expulsion from the
34 state's public schools in accordance with RCW 28A.600.010. An
35 appropriate school authority shall promptly notify law enforcement and
36 the student's parent or guardian regarding any allegation or indication
37 of such violation.

1 Upon the arrest of a person at least twelve years of age and not
2 more than twenty-one years of age for violating subsection (1)(a) of
3 this section, the person shall be detained or confined in a juvenile or
4 adult facility for up to seventy-two hours. The person shall not be
5 released within the seventy-two hours until after the person has been
6 examined and evaluated by the county-designated mental health
7 professional unless the court in its discretion releases the person
8 sooner after a determination regarding probable cause or on probation
9 bond or bail.

10 Within twenty-four hours of the arrest, the arresting law
11 enforcement agency shall refer the person to the county-designated
12 mental health professional for examination and evaluation under chapter
13 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
14 arrest, detention, and examination. The county-designated mental
15 health professional shall examine and evaluate the person subject to
16 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
17 occur at the facility in which the person is detained or confined. If
18 the person has been released on probation, bond, or bail, the
19 examination shall occur wherever is appropriate.

20 The county-designated mental health professional may determine
21 whether to refer the person to the county-designated chemical
22 dependency specialist for examination and evaluation in accordance with
23 chapter 70.96A RCW. The county-designated chemical dependency
24 specialist shall examine the person subject to the provisions of
25 chapter 70.96A RCW. The examination shall occur at the facility in
26 which the person is detained or confined. If the person has been
27 released on probation, bond, or bail, the examination shall occur
28 wherever is appropriate.

29 Upon completion of any examination by the county-designated mental
30 health professional or the county-designated chemical dependency
31 specialist, the results of the examination shall be sent to the court,
32 and the court shall consider those results in making any determination
33 about the person.

34 The county-designated mental health professional and county-
35 designated chemical dependency specialist shall, to the extent
36 permitted by law, notify a parent or guardian of the person that an
37 examination and evaluation has taken place and the results of the
38 examination. Nothing in this subsection prohibits the delivery of

1 additional, appropriate mental health examinations to the person while
2 the person is detained or confined.

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

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

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

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

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

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

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

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

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

29 (h) Any law enforcement officer of the federal, state, or local
30 government agency;

31 (i) Any person in compliance with section 1(1) of this act.

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

36 (5) Except as provided in subsection (3)(b), (c), (f), ~~((and))~~ (h),
37 and (i) of this section, firearms are not permitted in a public or
38 private school 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 **Sec. 3.** RCW 9.41.--- and 2002 c . . . s 1 (section 1 of this act)
5 are each amended to read as follows:

6 (1) It is lawful for (~~(all school administrators, school teachers,~~
7 ~~and all other school employees)) any person to carry concealed firearms
8 on school facilities in the state of Washington subject to the
9 following requirements:~~

10 (a) The person must be qualified to lawfully possess firearms under
11 the laws of the state of Washington;

12 (b) The person must possess a valid concealed pistol license where
13 required by law;

14 (c) In cases of school administrators, teachers, and all other
15 employees who carry concealed firearms while working under this
16 section, only ammunition determined not to ricochet intact, or over-
17 penetrate, such as the Glaser Safety Slug, may be used;

18 (d) Firearms and ammunition must be on the user's person at all
19 times, unless placed in secure locked storage equivalent to Palmer
20 Security Products' Model 7000TC gun locker.

21 (2) The state of Washington, local authorities, and local school
22 districts are immune from liability for injuries inflicted by persons
23 who choose to carry concealed firearms under this section.

24 (3) Persons who qualify and choose to carry concealed firearms
25 under this section are immune from liability for injuries inflicted
26 while exercising lawful use of force on school facilities.

27 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect July 1,
28 2007.

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