

SENATE BILL REPORT

SB 6258

As of January 18, 2006

Title: An act relating to possession of weapons or medical equipment, devices, or paraphernalia on school facilities.

Brief Description: Regarding possession of weapons or medical equipment on school facilities.

Sponsors: Senator Delvin.

Brief History:

Committee Activity: Judiciary: 1/17/06.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: Currently, it is a gross misdemeanor for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools: (a) any firearm; (b) any other dangerous weapon; (c) any device commonly known as "nunchu-ka sticks"; (d) any device, commonly known as "throwing stars"; or (e) any air gun.

Offenders have their concealed pistol licenses, if any, revoked for a period of three years and may not apply for a new license during that period. If the offender is an elementary or secondary school student, he or she may be expelled from the state's public schools. The school authorities must promptly notify law enforcement and the student's parent or guardian regarding any allegation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age, the person is detained for up to seventy-two hours. The person is not released until after the person has been evaluated by the designated mental health professional (DMHP) unless the court releases the person sooner after a determination regarding probable cause, bond, or bail. The DMHP may refer the person to the county-designated chemical dependency specialist for evaluation. The DMHP and chemical dependency specialist, to the extent permitted by law, notify a parent or guardian that an evaluation has taken place and the results of the evaluation. The results of the evaluation are sent to the court, and the court considers those results in making any determination about the person. The DMHP may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services.

These provisions do not apply to: (a) a student or employee of a private military academy when on the property of the academy; (b) a person engaged in military, law enforcement, or school district security; (c) a person involved in a convention, demonstration, lecture, or firearms safety course authorized by school authorities; (d) a person participating in a firearms or air gun competition approved by the school or school district; (e) a person in possession of a

pistol who has been issued a concealed pistol license, or is exempt from the licensing requirement, while picking up or dropping off a student; (f) any non-student at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school; (g) a non-student at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or (h) any law enforcement officer of the federal, state, or local government agency.

Summary of Bill: Instead of relying on the definition of "dangerous weapons" contained in another statute, the prohibited weapons, devices, and articles are specifically enumerated in a non-exclusive list that includes all of the previously excluded items. Also included in the list are new items such as stun guns, sling shots, fireworks, explosives. In addition, tools or devices intended to be used as stabbing instruments, bars or pipes intended to be used as clubs, or other objects used with the intent to produce or which may easily and readily produce death or substantial bodily harm, are prohibited. Possession of a firearm, in these cases, is elevated from a gross misdemeanor to an unranked class C felony (up to 12 months incarceration for adults and up to 30 days detention for juveniles for a first offense).

The school authorities must notify law enforcement and the student's parent or guardian regarding any allegation within one business day. Law enforcement must forward the notification to the prosecuting attorney.

Four new exceptions to the offense are enumerated for the possession and control of: (1) devices, tools, and articles for school approved activities possessed with the express permission of a school official for use in a school-approved project, class, or exercise; (2) devices, tools, and articles for non-school activities possessed with the express permission to be used in the approved activity or class on school premises, school transportation, or other areas and facilities while being used exclusively by the school; (3) tools secured in an attended vehicle or concealed from view in a locked, unattended vehicle while conducting legitimate business at the school, and (4) medical equipment, devices, or paraphernalia required for health care prescribed by a health professional and with the written permission of the school and a student's parent or under a medication and treatment order and nursing plan.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Sometime prosecutors are reluctant to charge offenders with this crime because of ambiguities in the definitions of dangerous weapons. This bill clarifies the ambiguities. This will help make students and teachers safer.

Testimony Against: The definitions are too broad and could sweep in innocent students who went hunting and forgot to completely unload their vehicles. The bill removes discretionary authority by school personnel and law enforcement. Firearm "components" could include a simple screw. Use is the real issue, not simple possession.

Who Testified: PRO: Senator Delvin, prime sponsor; Charles Lind, King County Prosecuting Attorney School Violence Program; Officer Brad Klippert, Benton County Sheriff's Office.

CON: Joe Waldron, WSRPA, WAC, GOAL, WCW, CCRRBA;; Merton Cooper.

OTHER: Schoen Parnell, citizen.