
HOUSE BILL 2275

State of Washington 59th Legislature 2005 Regular Session

By Representatives Condotta and Haler

Read first time 03/03/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to eliminating dangerous weapons in schools;
2 amending RCW 9.41.280; and prescribing penalties.

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

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

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

10 (a) Any firearm;

11 (b) (~~Any other dangerous weapon as defined in RCW 9.41.250~~) Any
12 air gun, including any air pistol or air rifle, designed to propel a
13 BB, pellet, or other projectile by the discharge of compressed air,
14 carbon dioxide, or other gas;

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

1 multi-pointed, metal objects designed to embed upon impact from any
2 aspect; ((~~or~~))

3 ~~(e) ((Any air gun, including any air pistol or air rifle, designed~~
4 ~~to propel a BB, pellet, or other projectile by the discharge of~~
5 ~~compressed air, carbon dioxide, or other gas))~~ Any slung shot, sling
6 shot, sand club, billy club, blackjack, or metal knuckles, or any metal
7 baton, metal pipe, metal bar, or metal tool that could reasonably be
8 used as a club;

9 (f) Any object, instrument, device, or tool equipped with a blade,
10 sharp, or sharpened extension that could reasonably be used for
11 cutting, slicing, or stabbing, including but not limited to any knife,
12 dirk, dagger, sword, machete, razor with an unguarded blade, box
13 cutter, carpet cutter, ice pick, or screw driver;

14 (g) Any stun gun or other object, instrument, device, or tool
15 which, when applied to a person or animal, is designed to administer an
16 incapacitating electrical shock, charge, or impulse, including but not
17 limited to a projectile stun gun which projects wired probes attached
18 to a device that is capable of emitting an electrical charge;

19 (h) Any explosive, firework as defined in RCW 70.77.126, or object,
20 instrument, or device containing any poisonous or injurious gas,
21 liquid, or other such substance; or

22 (i) Any object, instrument, device, or tool which has the capacity
23 to inflict death or substantial bodily harm and, from the manner in
24 which it is used, attempted to be used, or threatened to be used, is
25 likely to produce or may easily and readily produce death or
26 substantial bodily harm.

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

35 Any violation of subsection (1) of this section by elementary or
36 secondary school students constitutes grounds for expulsion from the
37 state's public schools in accordance with RCW 28A.600.010. An

1 appropriate school authority shall promptly notify law enforcement and
2 the student's parent or guardian regarding any allegation or indication
3 of such violation.

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

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

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

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

37 The county-designated mental health professional and county-
38 designated chemical dependency specialist shall, to the extent

1 permitted by law, notify a parent or guardian of the person that an
2 examination and evaluation has taken place and the results of the
3 examination. Nothing in this subsection prohibits the delivery of
4 additional, appropriate mental health examinations to the person while
5 the person is detained or confined.

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

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

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

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

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

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

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

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

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

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

34 (i) Any person who has in his or her possession or control any
35 object, instrument, device, or tool for a school-related and school-
36 approved project, exercise, class, activity, or event which has been
37 provided to the person by the school specifically for use in the
38 project, exercise, class, activity, or event, or which the person has

1 brought to school with the express prior permission of a teacher or
2 other school official for use in the school-related and school-approved
3 project, exercise, class, activity, or event;

4 (j) Any person who has in his or her possession or control any
5 object, instrument, device, or tool for a nonschool related project,
6 exercise, class, activity, or event which has been approved by the
7 school or the school district to be conducted on the school or school
8 district premises, and the object, instrument, device, or tool has been
9 provided to the person by the organization approved to use on the
10 school or school district premises specifically for use in the project,
11 exercise, class, activity, or event, or which the person has brought to
12 the school or school district premises with the express prior
13 permission of the organization approved to use on the school or school
14 district premises for use in the approved project, exercise, class,
15 activity, or event; or

16 (k) Any person in possession of tools that are secured within an
17 attended vehicle or concealed from view within a locked unattended
18 vehicle while conducting legitimate business at the school.

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

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

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

--- END ---