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SENATE BILL 6258

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State of Washington

59th Legislature

2006 Regular Session

By Senator Delvin

Read first time 01/10/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of weapons or medical equipment,  
2 devices, or paraphernalia on school facilities; amending RCW 9.41.280;  
3 and prescribing penalties.

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

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

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

11 (a) Any firearm;

12 (b) Any ~~((other dangerous weapon as defined in RCW 9.41.250))~~  
13 component of a firearm, including live ammunition, an ammunition  
14 magazine, or a device for suppressing the noise of any firearm;

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 to  
4 propel a BB, pellet, or other projectile by the discharge of compressed  
5 air, carbon dioxide, or other gas;

6 (f) A slung shot, sling shot, sand club, billy club, metal baton,  
7 or metal knuckles;

8 (g) Any object or instrument equipped with a blade or sharp or  
9 sharpened extension that could reasonably be used for cutting, slicing,  
10 or stabbing, including but not limited to:

11 (i) Any knife, dirk, ice pick, dagger, or razor with an unguarded  
12 blade; or

13 (ii) A tool or device, such as a leather punch or screwdriver, that  
14 is used as a stabbing instrument or that is possessed or controlled  
15 with the intent to be used as a stabbing instrument;

16 (h) Any stun gun or other object, instrument, or device that, when  
17 applied to a person or animal, is designed to administer an  
18 incapacitating electric shock, charge, or impulse, including but not  
19 limited to a projectile stun gun, that projects wired probes attached  
20 to the device that emit an electrical charge;

21 (i) Any metal pipe, bar, or tool used or intended to be used as a  
22 club;

23 (j) Any explosive, firework as defined in RCW 70.77.126, or item  
24 containing poisonous or injurious gas, liquid, or other substance; or

25 (k) Any object, implement, or instrument that has the capacity to  
26 inflict death or substantial bodily harm and from the manner in which  
27 it is used, attempted to be used, or threatened to be used is intended  
28 to produce or may easily and readily produce death or substantial  
29 bodily harm.

30 (2) Except as otherwise provided in this subsection, any such  
31 person violating subsection (1) of this section is guilty of a gross  
32 misdemeanor. Any person violating subsection (1)(a) of this section is  
33 guilty of a class C felony. In addition, if any person is convicted of  
34 a violation of subsection (1)(a) of this section, the person shall have  
35 his or her concealed pistol license, if any revoked for a period of  
36 three years. Anyone convicted under this subsection is prohibited from  
37 applying for a concealed pistol license for a period of three years.

1 The court shall send notice of the revocation to the department of  
2 licensing, and the city, town, or county which issued the license.

3 Any violation of subsection (1) of this section by elementary or  
4 secondary school students constitutes grounds for expulsion from the  
5 state's public schools in accordance with RCW 28A.600.010. Within one  
6 business day of any allegation or indication of such violation, an  
7 appropriate school authority shall (~~(promptly)~~) notify law enforcement  
8 and the student's parent or guardian regarding (~~(any)~~) the allegation  
9 or indication of such violation. Law enforcement shall forward this  
10 notification to the prosecuting attorney.

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

20 Within twenty-four hours of the arrest, the arresting law  
21 enforcement agency shall refer the person to the (~~(county-designated)~~)  
22 designated mental health professional for examination and evaluation  
23 under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the  
24 person of the arrest, detention, and examination. The (~~(county-~~  
25 ~~designated)~~) designated mental health professional shall examine and  
26 evaluate the person subject to the provisions of chapter 71.05 or 71.34  
27 RCW. The examination shall occur at the facility in which the person  
28 is detained or confined. If the person has been released on probation,  
29 bond, or bail, the examination shall occur wherever is appropriate.

30 The (~~(county-designated)~~) designated mental health professional may  
31 determine whether to refer the person to the county-designated chemical  
32 dependency specialist for examination and evaluation in accordance with  
33 chapter 70.96A RCW. The county-designated chemical dependency  
34 specialist shall examine the person subject to the provisions of  
35 chapter 70.96A RCW. The examination shall occur at the facility in  
36 which the person is detained or confined. If the person has been  
37 released on probation, bond, or bail, the examination shall occur  
38 wherever is appropriate.

1           Upon completion of any examination by the ((~~county-designated~~))  
2 designated mental health professional or the county-designated chemical  
3 dependency specialist, the results of the examination shall be sent to  
4 the court, and the court shall consider those results in making any  
5 determination about the person.

6           The ((~~county-designated~~)) designated mental health professional and  
7 county-designated chemical dependency specialist shall, to the extent  
8 permitted by law, notify a parent or guardian of the person that an  
9 examination and evaluation has taken place and the results of the  
10 examination. Nothing in this subsection prohibits the delivery of  
11 additional, appropriate mental health examinations to the person while  
12 the person is detained or confined.

13           If the ((~~county-designated~~)) designated mental health professional  
14 determines it is appropriate, the ((~~county-designated~~)) designated  
15 mental health professional may refer the person to the local regional  
16 support network for follow-up services or the department of social and  
17 health services or other community providers for other services to the  
18 family and individual.

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

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

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

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

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

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

33           (f) Any nonstudent at least eighteen years of age legally in  
34 possession of a firearm or ((~~dangerous~~)) other weapon described in  
35 subsection (1) of this section that is secured within an attended  
36 vehicle or concealed from view within a locked unattended vehicle while  
37 conducting legitimate business at the school;

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

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

6 (i) Any person who has in his or her possession or control any  
7 device, object, implement, instrument, or tool for a school-approved  
8 project, exercise, or class that has been provided by the school  
9 specifically for the project, exercise, or class or that the student  
10 has brought to school with the express prior verbal or written  
11 permission of a teacher or other school official for use in the school-  
12 approved project, exercise, or class;

13 (j) Any person who possesses or controls any device, object,  
14 implement, instrument, or tool for a nonschool-related activity or  
15 class authorized to be conducted on the school premises, school-  
16 provided transportation, or areas of facilities while being used  
17 exclusively by the school, if the device, object, implement,  
18 instrument, or tool has been provided specifically for the activity or  
19 class or has been brought to school premises with the express prior  
20 permission to be used in the approved activity or class;

21 (k) Any person in possession or control of tools that are secured  
22 within an attended vehicle or concealed from view within a locked  
23 unattended vehicle while conducting legitimate business at the school;  
24 or

25 (l) Any person in possession or control of medical equipment,  
26 devices, or paraphernalia, including but not limited to hypodermic  
27 needles or other devices, required for the administration or injection  
28 of medications prescribed by a health professional to treat a health  
29 condition. Students in possession of such medical equipment, devices,  
30 or paraphernalia may only possess such items with the written  
31 permission of the school and a student's parent or legal guardian, or  
32 pursuant to a medication or treatment order and nursing plan to  
33 implement the order.

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

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

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

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