

SHB 2268 - H AMD 157

By Representatives Dickerson and Lantz

ADOPTED 3/9/2007

1 Strike everything after the enacting clause and insert the
2 following:

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

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

9 (a) Any firearm;

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

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

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

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

22 (f) A blackjack, slung shot, sand club, billy club, or metal
23 knuckles;

24 (g) Any stun gun or other object, instrument, or device which,
25 when applied to a person or animal, is designed to administer an
26 incapacitating electric shock, charge, or impulse, including but
27 not limited to, a projectile stun gun, which projects wired probes
28 attached to the device that emit an electrical charge;

29 (h) Any explosive or any weapon containing poisonous or
30 injurious gases; or

1 (i) Any dirk, dagger, spring blade knife, knife having a blade
2 longer than three inches, razor with an unguarded blade, knife
3 having a blade which is automatically released by a spring
4 mechanism or other mechanical device, or knife having a blade which
5 opens, or falls, or is ejected into position by the force of
6 gravity, or by an outward, downward, or centrifugal thrust or movement.

7 (2) It is unlawful for a person on public or private
8 elementary or secondary school premises, school-provided
9 transportation, or areas of facilities while being used exclusively
10 by public or private schools, to possess and use, attempt to use,
11 threaten to use, or intend to use, any object, implement, or
12 instrument that has the capacity to inflict death or substantial
13 bodily harm when the use, attempt, threat, or intent is of a nature
14 likely to inflict such death or harm. Objects, implements, and
15 instruments subject to this subsection include but are not limited
16 to:

17 (a) Any knife not described in subsection (1) of this section;

18 (b) A leather punch, ice pick, or screwdriver;

19 (c) Any metal baton, pipe, bar, or other tool; or

20 (c) Any item not described in subsection (1) of this section
21 containing poisonous or injurious gas, liquid, or other substance.

22 (3) A multistakeholder advisory committee to the office of the
23 superintendent of public instruction that addresses elements of
24 school safety is encouraged to develop a model policy and guidance
25 for school building administrators, school staff, school security
26 personnel, and members of threat assessment committees regarding
27 procedures that should be followed to document evidence of a
28 person's use, attempt to use, threat to use, or intent to use a
29 dangerous weapon on school grounds.

30 ((+2)) (4) Any ((such)) person violating subsection (1) or
31 (2) of this section is guilty of a gross misdemeanor, except as
32 provided in (a) of this subsection.

33 (a) Any person violating subsection (1)(a) of this section is
34 guilty of a class C felony, except that a student who was otherwise
35 legally in possession of an unloaded firearm secured within a
36 locked vehicle, and who possessed the firearm with no intent to use
37 it or threaten to use it, or intent to cause or threaten to cause
38 alarm with it, is guilty of a gross misdemeanor.

39 (b) In addition, if any person is convicted of a violation of

1 subsection (1)(a) of this section, the person shall have his or her
2 concealed pistol license, if any, revoked for a period of three
3 years. Anyone convicted under this subsection is prohibited from
4 applying for a concealed pistol license for a period of three
5 years. The court shall send notice of the revocation to the
6 department of licensing, and the city, town, or county which issued
7 the license.

8 (c) Any violation of subsection (1)(a) of this section by
9 elementary or secondary school students constitutes grounds for
10 expulsion from the state's public schools in accordance with RCW
11 28A.600.420. Any other violation by elementary or secondary school
12 students may constitute grounds for expulsion from the state's
13 public schools in accordance with RCW 28A.600.010. Within one
14 business day of any allegation or indication of a violation, an
15 appropriate school authority shall promptly notify law enforcement
16 and the student's parent or guardian regarding ((any)) the
17 allegation or indication of such violation. Law enforcement shall
18 forward this notification to the prosecuting attorney.

19 (d) Upon the arrest of a person ((at least twelve years of age
20 and)) not more than twenty-one years of age for violating
21 subsection (1)(a) of this section, the person shall be detained or
22 confined in a juvenile or adult facility for up to seventy-two
23 hours. If the person is under the age of twelve, the person may
24 only be detained under home detention or electronic monitoring. The
25 person shall not be released within the seventy-two hours until
26 after the person has been examined and evaluated by the ((county-
27))designated mental health professional unless the court in its
28 discretion releases the person ((sooner after a determination
29 regarding probable cause or on probation bond or bail)) to the
30 custody of a parent or guardian.

31 Within twenty-four hours of the arrest, the arresting law
32 enforcement agency shall refer the person to the ((county-
33))designated mental health professional for examination and
34 evaluation under chapter 71.05 or 71.34 RCW and inform a parent or
35 guardian of the person of the arrest, detention, and examination.
36 The ((county-))designated mental health professional shall examine
37 and evaluate the person subject to the provisions of chapter 71.05
38 or 71.34 RCW. The examination shall occur at the facility in which
39 the person is detained or confined. If ((the)) a person under

1 twelve years of age has been released (~~on probation, bond, or~~
2 ~~bail~~) prior to the required examination, the examination shall
3 occur wherever is appropriate.

4 The (~~county~~)designated mental health professional may
5 determine whether to refer the person to the (~~county~~)designated
6 chemical dependency specialist for examination and evaluation in
7 accordance with chapter 70.96A RCW. The (~~county~~)designated
8 chemical dependency specialist shall examine the person subject to
9 the provisions of chapter 70.96A RCW. The examination shall occur
10 at the facility in which the person is detained or confined. If
11 (~~the~~) a person under twelve years of age has been released (~~on~~
12 ~~probation, bond, or bail~~) prior to the required examination, the
13 examination shall occur wherever is appropriate.

14 Upon completion of any examination by the (~~county~~-
15)designated mental health professional or the (~~county~~-
16)designated chemical dependency specialist, the results of the
17 examination shall be sent to the court, and the court shall
18 consider those results in making any determination about the person.

19 The (~~county~~)designated mental health professional and
20 (~~county~~)designated chemical dependency specialist shall, to the
21 extent permitted by law, notify a parent or guardian of the person
22 that an examination and evaluation has taken place and the results
23 of the examination. Nothing in this subsection prohibits the
24 delivery of additional, appropriate mental health examinations to
25 the person while the person is detained or confined.

26 If the (~~county~~)designated mental health professional
27 determines it is appropriate, the (~~county~~)designated mental
28 health professional may refer the person to the local regional
29 support network for follow-up services or the department of social
30 and health services or other community providers for other services
31 to the family and individual. If the person examined is determined
32 by the designated mental health professional to be ineligible for
33 detention or services relative to the provisions of chapter 71.05
34 or 71.34 RCW, the person should be referred to a multidisciplinary
35 threat or risk assessment committee, where available, for
36 determination of the person's risk for continued violence and the
37 development of a safety plan for the person and any known targets
38 or victims. The threat or risk assessment committee is typically
39 comprised of representatives from school districts, local law

1 enforcement, local juvenile justice agencies, mental health, risk
2 management organizations, local family services organizations, and
3 school safety or security professionals.

4 ((+3+)) (5) Subsection (1) of this section does not apply to:

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

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

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

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

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

18 (f) Any nonstudent at least eighteen years of age legally in
19 possession of a firearm or (~~dangerous~~) other weapon specified in
20 subsection (1) of this section that is secured within an attended
21 vehicle or concealed from view within a locked unattended vehicle
22 while conducting legitimate business at the school;

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

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

28 (i) Any person legally in possession of a weapon specified in
29 subsection (1) of this section for an activity or class authorized
30 to be conducted on the school premises, school-provided
31 transportation, or areas of facilities while being used exclusively
32 by the school, where the weapon has been brought to the school
33 premises with express prior permission to be used in the approved
34 activity or class, or has been provided specifically for the
35 activity or class.

36 ((+4+)) (6) Subsections (1)(c) and (d) of this section do not
37 apply to any person who possesses nun-chu-ka sticks, throwing
38 stars, or other dangerous weapons to be used in martial arts
39 classes authorized to be conducted on the school premises.

1 (~~(5)~~) (7) Except as provided in subsection (~~(3)~~) (5)(b),
2 (c), (~~(f)~~), and (h) of this section, firearms are not permitted
3 in a public or private school building.

4 (~~(6)~~) (8) "GUN-FREE ZONE" signs shall be posted around
5 school facilities giving warning of the prohibition of the
6 possession of firearms on school grounds."

7 Correct the title.

EFFECT:

Removes sling shots and fireworks from the definition of a dangerous weapon.

Narrows the list of examples of objects that may be considered dangerous weapons because they are possessed and used, or threatened to be used, in a manner that is likely to inflict death or substantial bodily harm.

Limits detention of juveniles under the age of twelve prior to the mental health evaluation to home detention or electronic monitoring rather than incarceration in a detention facility.

Removes the limitation on the age of the juvenile who the court may release to his or her parent to allow the court to release a juvenile of any age to his or her parent prior to a mental health evaluation.

Clarifies that possession of a weapon, other than a firearm, at school may constitute grounds for expulsion, but expulsion is not required.