

# HOUSE BILL REPORT

## ESHB 3131

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**As Passed House:**  
February 19, 2008

**Title:** An act relating to school safety.

**Brief Description:** Addressing school safety.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Lantz, Goodman, Williams, Kelley and Ormsby).

**Brief History:**

**Committee Activity:**

Judiciary: 1/25/08, 2/5/08 [DPS].

**Floor Activity:**

Passed House: 2/19/08, 92-3.

### Brief Summary of Engrossed Substitute Bill

- Expands the list of weapons prohibited on school property.
- Increases the penalty for possession of a firearm on school property from a gross misdemeanor to a class C felony.
- Requires the Superintendent of Public Instruction to convene a multistakeholder workgroup to develop a model policy on threat assessment and management, and requires school districts to adopt a policy, taking into consideration the model policy.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

**Staff:** Edie Adams (786-7180).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

With several exceptions, it is a gross misdemeanor for a person to possess dangerous weapons on public or private elementary or secondary school property. The following dangerous weapons are prohibited: (a) firearms; (b) nun-chu-ka sticks; (c) throwing stars; (d) air guns; and (e) "dangerous weapons" listed under another statute as slung shots, sand clubs, metal knuckles, devices for suppressing the noise of a firearm, and certain knives, such as switchblades.

School property includes the school premises, transportation systems, and areas of any facility while being used exclusively by a public or private school.

Exceptions from the ban on possession of dangerous weapons are made for law enforcement, security or military personnel, persons involved in firearms safety events or competitions, persons with concealed pistol licenses who are picking up or dropping off students, and nonstudents 18 years or older in lawful possession of a firearm that is secured in a vehicle.

An offender faces the following sanctions for possession of a firearm on school property:

- three-year revocation of a concealed pistol license, if any;
- expulsion from public school for not less than one year if the offender is an elementary or secondary school student (under the state's education code);
- prompt notification of the violation to law enforcement and a parent or guardian; and
- detention for examination by a designated mental health professional for certain offenders.

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**Summary of Engrossed Substitute Bill:**

The category of dangerous weapons prohibited on school property is revised to more closely conform to weapons already defined as dangerous in another section of the statutes. The category is expanded to include: blackjacks; billy clubs; stun guns; and any explosive or any weapon containing poisonous or injurious gases.

In addition, it is a gross misdemeanor for a person on school grounds to possess any object, implement, or instrument that has the capacity to inflict death or substantial bodily harm when the person uses, attempts, threatens, or intends to use the item in such a way likely to inflict death or substantial bodily harm.

The criminal penalty for possession of a firearm is raised from a gross misdemeanor to a class C felony. However, a student who is otherwise legally in possession of an unloaded firearm secured within a locked vehicle is guilty of a gross misdemeanor if the student did not intend to use the firearm, did not threaten to use it, or did not cause or threaten to cause alarm.

School disciplinary practices for weapon incidents is clarified. A violation of the firearms provision remains grounds for expulsion for one year, but possession on school grounds of another weapon *may* be grounds for expulsion. The school must notify law enforcement and the student's parent within one business day of any allegation or indication of a student

possessing a firearm on school grounds. Law enforcement must forward the notification to the prosecuting attorney.

The Superintendent of Public Instruction must convene a school threat assessment workgroup to develop a model policy and guidelines on threat assessment in schools. The workgroup shall consist of representatives from various enumerated agencies and associations, and must develop the model policy by September 1, 2009.

The purpose of the policy is to provide school personnel and community safety agencies best practices and procedures that should be followed to address assessment and intervention methods. The model policy must: be consistent with existing law on required notifications; address the definition of threat assessment; define a range of best practice interventions that should be pursued if the student is either released into the community while expelled or returned to school; and address the purpose of the assessment, guidelines for school threat management plans, governance of the threat assessment process, the boundaries of information sharing, and liability issues.

By September 1, 2010, the Office of Superintendent of Public Instruction (OSPI) must facilitate training to school districts on implementation of the model school threat assessment policy, including threat assessment and intervention methods, to provide schools with best practice policies and procedures. By September 1, 2011, each school district must adopt a policy on threat assessment and management that addresses how schools will provide for the safety of individuals involved in threatening incidents. School districts shall consider the model policy in developing their policies.

The Superintendent of Public Instruction must provide the following reports to the education committees of the House of Representatives and the Senate: (a) by September 9, 2009, a report on the components of the model policy; (b) by January 15, 2011, a report on the implementation of the quarterly trainings to school districts; and (c) by November 15, 2011, a report on the compliance of school districts in adopting the policy on threat assessment and threat management.

The OSPI must implement the provisions of the act concerning the model threat assessment policy, school district trainings, and reports to the Legislature within existing funds. These provisions of the act expire on December, 31, 2011.

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**Appropriation:** None.

**Fiscal Note:** Available

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) The purpose of this bill is to keep children in schools safe. The bill takes a balanced approach to violence in the school system. It doesn't enumerate every possible dangerous weapon, but focuses on the intent and manner in which the item is used. The bill closes the loophole created by statutes that make possession of a firearm a felony outside of school if the person is under 18 years old. The bill helps address what to do when there are kids who are too dangerous to be in school. There is currently no systematic method for addressing this problem. The bill requires that a policy be developed by consensus from professionals. Special education professionals need to be included in the list of people working on the model policy.

(Opposed) The bill gives students preferential treatment over adults. In rural areas, kids who have been hunting may go to school with shells and they would become criminals under the bill. The prohibition against ammunition and magazines should be removed. Air soft guns are toys and should be removed from the list of prohibited weapons. The bill does not contain any exception for lawful self-defense. The bill casts too wide of a net and will impact children of color.

**Persons Testifying:** (In support) Craig Apperson, Office of Superintendent of Public Institution; Steve Bailey, Washington State Emergency Managers Association; Tomas Gahan, King County Prosecutor's Office; Joe Pope; Pegi McEvoy, Seattle Public Schools.

(Opposed) Mark A. Taff, Citizens Committee for the Right to Keep and Bear Arms; and Jana Heyd, Washington Defender Association, Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.