

SENATE BILL REPORT

ESHB 2268

As of March 26, 2007

Title: An act relating to the possession of dangerous weapons on school facilities.

Brief Description: Revising provisions relating to possession of dangerous weapons on school facilities.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby).

Brief History: Passed House: 3/09/07, 91-6.

Committee Activity: Judiciary: 3/28/07.

SENATE COMMITTEE ON JUDICIARY

Staff: Juliana Roe (786-7405)

Background: It is a gross misdemeanor to possess a dangerous weapon on school property, which includes transportation systems and areas of any facility while being used exclusively by a public or private school, with certain exceptions. The exceptions 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 non-students who are 18 years or older in lawful possession of an unloaded firearm under certain circumstances.

The following dangerous weapons are prohibited: (1) firearms; (2) "nunchu-ka sticks"; (3) "throwing stars"; (4) air guns; and (5) "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.

Offenders face the following sanctions: (1) three year license revocation of concealed pistol licenses, if possessed by the offender; (2) mandatory expulsion for not less than one year if the offender is an elementary or secondary school student; (3) mandatory notification of law enforcement and a parent or guardian of the alleged violation by the appropriate school authority, if the offender is a student; and (4) detention with no release within 72 hours until the person has been examined by a designated mental health professional (DMHP). This examination may be waived at the court's discretion if the court has made a determination regarding probable cause or levied a probation bond or bail.

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.

Minors or adults may be referred for voluntary or involuntary treatment of a mental disorder including involuntary commitment if the individual poses a likelihood of serious harm or is gravely disabled. The DMHP also may refer the person to the county-designated chemical dependency specialist for evaluation. The results of the evaluation are sent to the court, and the court considers those results in making any determination about the person.

Some Washington school districts have developed local multi-disciplinary threat committees to evaluate and respond to threats of violence in schools. These include Seattle public schools, a county-wide program in Skagit County, and the Sunnyside School District in Eastern Washington. These committees may be comprised of school staff, trained mental health professionals, and representatives from local law enforcement. Such committees help advise school officials on the assessment of threats, evaluation of the person posing the threat, and an appropriate level of response.

Summary of Engrossed Substitute Bill: Stun guns, explosives, live ammunition, ammunition magazines, devices suppressing the noise of any firearm, slung shots, sand clubs, billy clubs, metal knuckles, blackjacks, and various types of knives are banned on school facilities. Possession of these dangerous weapons is a gross misdemeanor.

It is unlawful for a person to possess the following weapons on school facilities if the person in possession actually uses, attempts to use, threatens to use, or intends to use the object to cause death or substantial bodily harm: certain knives, a metal baton, pipe or bar, leather punch, ice pick, and screwdriver, for which possession is not in itself a crime.

It is a class C felony to possess a firearm on school property, with some exceptions. A student who legally possesses an unloaded firearm, secured within a locked vehicle, and who does not intend to use it or threaten to use it, or intend to cause or threaten to cause alarm with the firearm is guilty of a gross misdemeanor. Furthermore, those who are legally in possession of a weapon for the purpose of an authorized activity or class are exempt.

A multistakeholder advisory committee is encouraged to develop model policy and guidance for the school regarding procedures that should be followed to document a person's use, attempt to use, threat to use, or intent to use a dangerous weapon on school grounds.

Violation by elementary or secondary school students may constitute grounds for expulsion.

The court has discretion to release any juvenile to his or her parent prior to a mental health evaluation. Those under 12 years of age may only be held by home detention or electronic home monitoring.

Those ineligible for detention or mental health services provided by a county mental health professional should be referred to a multidisciplinary threat or risk assessment committee, where one exists, for his or her risk of continued violence. The threat or risk assessment committee is comprised of representatives from school districts, local law enforcement, local juvenile justice agencies, mental health, risk management organizations, local family services organizations, and school safety or security professionals.

Parents and law enforcement must be notified of an allegation within one business day. This notification must be forwarded to the prosecuting attorney.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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