

# SENATE BILL REPORT

## SB 6841

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As of February 8, 2008

**Title:** An act relating to restricting possession of weapons at institutions of higher education.

**Brief Description:** Restricting possession of weapons at institutions of higher education.

**Sponsors:** Senators Murray, Jacobsen, Kline, Shin and Kohl-Welles.

**Brief History:**

**Committee Activity:** Higher Education: 2/07/08.

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### SENATE COMMITTEE ON HIGHER EDUCATION

**Staff:** Aldo Melchiori (786-7439)

**Background:** Article I, §24 of the Constitution of the State of Washington provides that the "right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired . . ." This constitutional right, however, is not unfettered, but is subject to reasonable regulation by the state under its police power. A firearms regulation may be valid if it does not totally prohibit the possession and carrying of a weapon, is reasonably necessary to protect public safety or welfare, and is substantially related to a legitimate purpose. For example, specific statutes exist regarding carrying a firearm under circumstances that warrant alarm for the safety of other persons; on school facilities; in courthouses; in restricted access areas of public mental health facilities; or in restricted areas of airports. Every public institution of higher education in Washington currently has rules regarding the possession of firearms on their campus.

Currently, it is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools: (1) any firearm; (2) any other dangerous weapon; or (3) any air gun. A violation of this statute is a gross misdemeanor (subject to up to one year incarceration and/or a \$5,000 fine). If the person has a concealed pistol license, it is revoked for a period of three years. Students who violate the statute must also receive mental health examinations.

**Summary of Bill:** It is unlawful for a person to carry onto, or to possess in or on, lands, buildings, or facilities owned or controlled by an institution of higher education that enrolls common or private school students participating in a program of study: (1) any firearm; (2) any other dangerous weapon; or (3) any air gun. A violation is a gross misdemeanor. If the person has a concealed pistol license, it is revoked for a period of three years. A violation may also subject a student to sanctions under the student conduct code. The person must also be

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referred to the designated mental health professional for examination and may be provided with follow-up services. The restriction does not apply to law enforcement, security, the military, events authorized by the institution, non-students in lawful possession of a firearm secured in a vehicle while conducting business on campus, or concealed pistol license holders picking up or dropping off a student.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This is a narrowly focused restriction, not a blanket prohibition. Even parents who are gun owners welcome this restriction. Our campuses would be safer without firearms. Students are concerned and fearful about weapons on campus. The mix of guns and alcohol on campus is not good.

CON: Students are under a greater risk of rampage shootings if guns are not available to people for self-protection. On some campuses, people coming onto campus are armed while campus security is not. Criminals and the mentally ill ignore gun laws. College students are responsible adults, and should not be treated as children.

**Persons Testifying:** PRO: Senator Murray, prime sponsor; Kristen Conner, Washington Ceasefire; Lori Mille, Seattle Central Community College.

CON: Kristen Gutterman, Students for Concealed Carry on Campus; Ron Berensen; Brick Loomis; Robert McKercher; Jim Hegna; Kevin Schumadeka, Firearm Restoration Project; Max Bruk; Jane (no last name given); Mark Taff, Citizen's Committee for the Right to Keep and Bear Arms; Roger Murray, Kenmore Range; Robert Hill.