
ENGROSSED SUBSTITUTE HOUSE BILL 2268

State of Washington

60th Legislature

2007 Regular Session

By 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)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to the possession of dangerous weapons on school
2 facilities; amending RCW 9.41.280; and prescribing penalties.

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

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

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

10 (a) Any firearm;

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

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

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

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

4 (f) A blackjack, slung shot, sand club, billy club, or metal
5 knuckles;

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

11 (h) Any explosive or any weapon containing poisonous or injurious
12 gases; or

13 (i) Any dirk, dagger, spring blade knife, knife having a blade
14 longer than three inches, razor with an unguarded blade, knife having
15 a blade which is automatically released by a spring mechanism or other
16 mechanical device, or knife having a blade which opens, or falls, or is
17 ejected into position by the force of gravity, or by an outward,
18 downward, or centrifugal thrust or movement.

19 (2) It is unlawful for a person on public or private elementary or
20 secondary school premises, school-provided transportation, or areas of
21 facilities while being used exclusively by public or private schools,
22 to possess and use, attempt to use, threaten to use, or intend to use,
23 any object, implement, or instrument that has the capacity to inflict
24 death or substantial bodily harm when the use, attempt, threat, or
25 intent is of a nature likely to inflict such death or harm. Objects,
26 implements, and instruments subject to this subsection include but are
27 not limited to:

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

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

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

31 (d) Any item not described in subsection (1) of this section
32 containing poisonous or injurious gas, liquid, or other substance.

33 (3) A multistakeholder advisory committee to the office of the
34 superintendent of public instruction that addresses elements of school
35 safety is encouraged to develop a model policy and guidance for school
36 building administrators, school staff, school security personnel, and
37 members of threat assessment committees regarding procedures that

1 should be followed to document evidence of a person's use, attempt to
2 use, threat to use, or intent to use a dangerous weapon on school
3 grounds.

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

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

13 (b) In addition, if any person is convicted of a violation of
14 subsection (1)(a) of this section, the person shall have his or her
15 concealed pistol license, if any, revoked for a period of three years.
16 Anyone convicted under this subsection is prohibited from applying for
17 a concealed pistol license for a period of three years. The court
18 shall send notice of the revocation to the department of licensing, and
19 the city, town, or county which issued the license.

20 (c) Any violation of subsection (1)(a) of this section by
21 elementary or secondary school students constitutes grounds for
22 expulsion from the state's public schools in accordance with RCW
23 28A.600.420. Any other violation by elementary or secondary school
24 students may constitute grounds for expulsion from the state's public
25 schools in accordance with RCW 28A.600.010. Within one business day of
26 any allegation or indication of a violation, an appropriate school
27 authority shall promptly notify law enforcement and the student's
28 parent or guardian regarding ~~((any))~~ the allegation or indication of
29 such violation. Law enforcement shall forward this notification to the
30 prosecuting attorney.

31 (d) Upon the arrest of a person ~~((at least twelve years of age~~
32 and)) not more than twenty-one years of age for violating subsection
33 (1)(a) of this section, the person shall be detained or confined in a
34 juvenile or adult facility for up to seventy-two hours. If the person
35 is under the age of twelve, the person may only be detained under home
36 detention or electronic monitoring. The person shall not be released
37 within the seventy-two hours until after the person has been examined
38 and evaluated by the ~~((county))~~ designated mental health professional

1 unless the court in its discretion releases the person (~~sooner after~~
2 ~~a determination regarding probable cause or on probation bond or bail~~)
3 to the custody of a parent or guardian.

4 Within twenty-four hours of the arrest, the arresting law
5 enforcement agency shall refer the person to the (~~county~~)designated
6 mental health professional for examination and evaluation under chapter
7 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
8 arrest, detention, and examination. The (~~county~~)designated mental
9 health professional shall examine and evaluate the person subject to
10 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
11 occur at the facility in which the person is detained or confined. If
12 (~~the~~) a person under twelve years of age has been released (~~on~~
13 ~~probation, bond, or bail~~) prior to the required examination, the
14 examination shall occur wherever is appropriate.

15 The (~~county~~)designated mental health professional may determine
16 whether to refer the person to the (~~county~~)designated chemical
17 dependency specialist for examination and evaluation in accordance with
18 chapter 70.96A RCW. The (~~county~~)designated chemical dependency
19 specialist shall examine the person subject to the provisions of
20 chapter 70.96A RCW. The examination shall occur at the facility in
21 which the person is detained or confined. If (~~the~~) a person under
22 twelve years of age has been released (~~on probation, bond, or bail~~)
23 prior to the required examination, the examination shall occur wherever
24 is appropriate.

25 Upon completion of any examination by the (~~county~~)designated
26 mental health professional or the (~~county~~)designated chemical
27 dependency specialist, the results of the examination shall be sent to
28 the court, and the court shall consider those results in making any
29 determination about the person.

30 The (~~county~~)designated mental health professional and
31 (~~county~~)designated chemical dependency specialist shall, to the
32 extent permitted by law, notify a parent or guardian of the person that
33 an examination and evaluation has taken place and the results of the
34 examination. Nothing in this subsection prohibits the delivery of
35 additional, appropriate mental health examinations to the person while
36 the person is detained or confined.

37 If the (~~county~~)designated mental health professional determines
38 it is appropriate, the (~~county~~)designated mental health professional

1 may refer the person to the local regional support network for follow-
2 up services or the department of social and health services or other
3 community providers for other services to the family and individual.
4 If the person examined is determined by the designated mental health
5 professional to be ineligible for detention or services relative to the
6 provisions of chapter 71.05 or 71.34 RCW, the person should be referred
7 to a multidisciplinary threat or risk assessment committee, where
8 available, for determination of the person's risk for continued
9 violence and the development of a safety plan for the person and any
10 known targets or victims. The threat or risk assessment committee is
11 typically comprised of representatives from school districts, local law
12 enforcement, local juvenile justice agencies, mental health, risk
13 management organizations, local family services organizations, and
14 school safety or security professionals.

15 ((+3)) (5) Subsection (1) of this section does not apply to:

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

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

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

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

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

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

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

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

1 (i) Any person legally in possession of a weapon specified in
2 subsection (1) of this section for an activity or class authorized to
3 be conducted on the school premises, school-provided transportation, or
4 areas of facilities while being used exclusively by the school, where
5 the weapon has been brought to the school premises with express prior
6 permission to be used in the approved activity or class, or has been
7 provided specifically for the activity or class.

8 ~~((4))~~ (6) Subsections (1)(c) and (d) of this section do not apply
9 to any person who possesses nun-chu-ka sticks, throwing stars, or other
10 dangerous weapons to be used in martial arts classes authorized to be
11 conducted on the school premises.

12 ~~((5))~~ (7) Except as provided in subsection ~~((3))~~ (5)(b), (c),
13 ~~((f),)~~ and (h) of this section, firearms are not permitted in a
14 public or private school building.

15 ~~((6))~~ (8) "GUN-FREE ZONE" signs shall be posted around school
16 facilities giving warning of the prohibition of the possession of
17 firearms on school grounds.

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