
ENGROSSED SUBSTITUTE HOUSE BILL 3131

State of Washington

60th Legislature

2008 Regular Session

By House Judiciary (originally sponsored by Representatives Lantz, Goodman, Williams, Kelley, and Ormsby)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to school safety; amending RCW 9.41.280; adding a
2 new section to chapter 28A.320 RCW; creating a new section; prescribing
3 penalties; and providing an expiration date.

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

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

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

11 (a) Any firearm;

12 (b) Any ~~((other dangerous weapon as defined in RCW 9.41.250))~~
13 device designed for suppressing the 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 that, 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 that are
10 attached 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 that
14 is automatically released by a spring mechanism or other mechanical
15 device, or knife having a blade that opens, or falls, or is ejected
16 into position by the force of gravity, or by an outward, downward, or
17 centrifugal thrust or movement.

18 (2) It is unlawful for a person on public or private elementary or
19 secondary school premises, school-provided transportation, or areas of
20 facilities while being used exclusively by public or private schools,
21 to possess and use, attempt to use, threaten to use, or intend to use,
22 any object, implement, or instrument that has the capacity to inflict
23 death or substantial bodily harm when the use, attempt, threat, or
24 intent is of a nature likely to inflict death or substantial bodily
25 harm.

26 ~~((+2))~~ (3) Any ~~((such))~~ person violating subsection (1) or (2) of
27 this section is guilty of a gross misdemeanor, except as provided in
28 (a) of this subsection.

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

35 (b) In addition, if any person is convicted of a violation of
36 subsection (1)(a) of this section, the person shall have his or her
37 concealed pistol license, if any, revoked for a period of three years.
38 Anyone convicted under this subsection is prohibited from applying for

1 a concealed pistol license for a period of three years. The court
2 shall send notice of the revocation to the department of licensing, and
3 the city, town, or county which issued the license.

4 (c) Any violation of subsection (1)(a) of this section by
5 elementary or secondary school students constitutes grounds for
6 expulsion from the state's public schools in accordance with RCW
7 28A.600.420. Any other violation by elementary or secondary school
8 students may constitute grounds for expulsion from the state's public
9 schools in accordance with RCW 28A.600.010. Within one business day of
10 any allegation or indication of a violation of subsection (1)(a) of
11 this section, an appropriate school authority shall promptly notify law
12 enforcement and the student's parent or guardian regarding ((any)) the
13 allegation or indication of such violation. Law enforcement shall
14 forward this notification to the prosecuting attorney.

15 (d) Upon the arrest of a person at least twelve years of age and
16 not more than twenty-one years of age for violating subsection (1)(a)
17 of this section, the person shall be detained or confined in a juvenile
18 or adult facility for up to seventy-two hours. The person shall not be
19 released within the seventy-two hours until after the person has been
20 examined and evaluated by the ((county-))designated mental health
21 professional unless the court in its discretion releases the person
22 sooner after a determination regarding probable cause or on probation
23 bond or bail.

24 Within twenty-four hours of the arrest, the arresting law
25 enforcement agency shall refer the person to the ((county-))designated
26 mental health professional for examination and evaluation under chapter
27 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
28 arrest, detention, and examination. The ((county-))designated mental
29 health professional shall examine and evaluate the person subject to
30 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
31 occur at the facility in which the person is detained or confined. If
32 the person has been released on probation, bond, or bail, the
33 examination shall occur wherever is appropriate.

34 The ((county-))designated mental health professional may determine
35 whether to refer the person to the ((county-))designated chemical
36 dependency specialist for examination and evaluation in accordance with
37 chapter 70.96A RCW. The ((county-))designated chemical dependency
38 specialist shall examine the person subject to the provisions of

1 chapter 70.96A RCW. The examination shall occur at the facility in
2 which the person is detained or confined. If the person has been
3 released on probation, bond, or bail, the examination shall occur
4 wherever is appropriate.

5 Upon completion of any examination by the ((~~county~~))designated
6 mental health professional or the ((~~county~~))designated chemical
7 dependency specialist, the results of the examination shall be sent to
8 the court, and the court shall consider those results in making any
9 determination about the person.

10 The ((~~county~~))designated mental health professional and
11 ((~~county~~))designated chemical dependency specialist shall, to the
12 extent permitted by law, notify a parent or guardian of the person that
13 an examination and evaluation has taken place and the results of the
14 examination. Nothing in this subsection prohibits the delivery of
15 additional, appropriate mental health examinations to the person while
16 the person is detained or confined.

17 If the ((~~county~~))designated mental health professional determines
18 it is appropriate, the ((~~county~~))designated mental health professional
19 may refer the person to the local regional support network for follow-
20 up services or the department of social and health services or other
21 community providers for other services to the family and individual.

22 ((~~(3)~~)) (4) Subsection (1) of this section does not apply to:

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

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

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

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

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

36 (f) Any nonstudent at least eighteen years of age legally in
37 possession of a firearm or ((~~dangerous~~)) other weapon specified in

1 subsection (1) of this section that is secured within an attended
2 vehicle or concealed from view within a locked unattended vehicle while
3 conducting legitimate business at the school;

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

7 (h) Any law enforcement officer of the federal, state, or local
8 government agency.

9 ~~((4))~~ (5) Subsection~~((s))~~ (1)(c) and (d) of this section ~~((de))~~
10 does not apply to any person who possesses nun-chu-ka sticks, throwing
11 stars, or other dangerous weapons to be used in martial arts classes
12 authorized to be conducted on the school premises.

13 ~~((5))~~ (6) Except as provided in subsection ~~((3))~~ (4)(b), (c),
14 ~~((f))~~ and (h) of this section, firearms are not permitted in a
15 public or private school building.

16 ~~((6))~~ (7) "GUN-FREE ZONE" signs shall be posted around school
17 facilities giving warning of the prohibition of the possession of
18 firearms on school grounds.

19 NEW SECTION. Sec. 2. (1) The superintendent of public instruction
20 shall convene a multistakeholder school threat assessment work group to
21 develop, by September 1, 2009, a model policy and programmatic guidance
22 on threat assessment and threat management in schools. The model
23 policy's purpose is to provide school personnel and community safety
24 agencies with best practice policies and procedures that should be
25 followed to address assessment and intervention methods associated with
26 a student's act or threat of violence or harm, or a student's use,
27 attempted use, threatened use, or intent to use a weapon on school
28 grounds. The model policy shall:

29 (a) Be consistent with the elements of RCW 28A.320.128 and the
30 office of the superintendent of public instruction's model policy
31 addressing requirements for notification of threats of violence or harm
32 adopted under RCW 28A.320.128;

33 (b) Address the definition of threat assessment in the context of
34 a student's act or threat of violence or harm, or a student's use,
35 attempted use, threatened use, or intent to use a weapon on school
36 grounds;

1 (c) Define the range of best practice interventions that should be
2 pursued if a student involved in an act or threat of violence or harm
3 to self, others, or property, or the use, attempted use, threatened
4 use, or intent to use a weapon on school grounds, is either released to
5 the community while expelled or suspended, or returned to the school
6 environment; and

7 (d) Address the purpose of a school threat assessment, guidelines
8 for school threat management plans, governance of the threat assessment
9 process, including the responsibilities of the convening agency, the
10 boundaries of information shared between multiple agencies, membership
11 of threat assessment committees, and liability issues for those
12 involved in the process.

13 (2) The multistakeholder school threat assessment work group should
14 consist of representatives from the office of the superintendent of
15 public instruction, the association of Washington school principals,
16 the Washington association of school administrators, the Washington
17 school directors association, the Washington state safe school advisory
18 committee, the Washington association of sheriffs and police chiefs,
19 the Washington state emergency management division, school employee
20 unions, school risk managers, special education professionals, the
21 mental health division of the department of social and health services,
22 the juvenile court administrators association, and other appropriate
23 community safety agencies and organizations as determined by the
24 superintendent of public instruction.

25 (3) By September 1, 2010, the office of the superintendent of
26 public instruction will facilitate quarterly trainings to school
27 districts on the implementation of the model school threat assessment
28 policy and programmatic guidance to provide school personnel and
29 community safety agencies with the recommended best practice policies
30 and procedures. This training will address the assessment and
31 intervention methods associated with a student's act or threat of
32 violence or harm, or a student's use, attempted use, threatened use, or
33 intent to use a weapon on school grounds.

34 (4) The superintendent of public instruction shall provide the
35 following reports to the education committees of the house of
36 representatives and the senate:

37 (a) By September 15, 2009, a report on the components of the model
38 policy adopted under subsection (1) of this section;

1 (b) By January 15, 2011, a report on the implementation of the
2 quarterly trainings required under subsection (3) of this section; and

3 (c) By November 15, 2011, a report on the compliance of school
4 districts in adopting the policy on threat assessment and threat
5 management required under section 3 of this act.

6 (5) The office of the superintendent of public instruction shall
7 implement this section within existing funds.

8 (6) This section expires December 31, 2011.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
10 RCW to read as follows:

11 By September 1, 2011, each school district board of directors shall
12 adopt a policy on threat assessment and threat management in schools
13 that addresses how schools will provide for the safety of all
14 individuals involved in or affected by threats of violence or harm, or
15 the use, attempted use, threatened use, or intent to use a firearm or
16 other weapon prohibited under RCW 9.41.280. The school district's
17 threat assessment and threat management policy must address the issues
18 identified in section 2(1) of this act. In developing its policy on
19 threat assessment and threat management, the school district shall
20 consider the model policy and guidance on threat assessment and threat
21 management developed by the office of the superintendent of public
22 instruction under section 2 of this act.

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