

FINAL BILL REPORT

ESSB 5263

C 453 L 09
Synopsis as Enacted

Brief Description: Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom).

Senate Committee on Judiciary
House Committee on Judiciary

Background: Under current law, it is unlawful for anyone to carry onto, or possess on, school premises, school provided transportation, or areas used exclusively by schools, items such as firearms, dangerous weapons, nun-chu-ka sticks, throwing stars, or air guns, with some exceptions. The exceptions include:

- any student or employee of a private military academy when on the property of the academy;
- any person engaged in military, law enforcement, or school district security activities;
- any person involved in a convention, showing demonstration, lecture, or firearms safety course authorized by school authorities;
- any person participating in a firearms or air gun competition approved by the school or school district;
- any person in possession of a pistol who has a concealed pistol license, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
- any nonstudent who is at least 18 and legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle while conducting legitimate business at the school;
- any nonstudent who is at least 18 and is in lawful possession of an unloaded firearm that is secured in a vehicle while conducting legitimate business at the school;
- any law enforcement officer; and
- any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

Anyone in violation is guilty of a gross misdemeanor. If found guilty, the person will have his or her concealed pistol license, if any, revoked for three years. Those who are convicted

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.

will be prohibited from applying for a concealed pistol license for three years. Elementary or secondary school students who violate will be subject to expulsion. Those who are at least 12 and not more than 21 years of age will be detained or confined in a juvenile or adult facility for up to 72 hours and cannot be released within that time period until that person has been examined and evaluated by the county designated mental health professional unless otherwise directed by the court.

Summary: Stun guns or portable devices used to provide electric shock, charge, or impulse are added to the list of items that are deemed unlawful for students to carry onto or possess on school premises, school provided transportation, or areas used exclusively by schools.

Mental health professionals who conduct evaluations of those who violate the prohibitions contained in this bill and who are at least 12 and not more than 21 years of age are not required to be the county-designated mental health professional, but rather are required to be the designated mental health professional.

A school security officer who is not a commissioned law enforcement officer may not possess a stun gun or other electric shock device on school property unless the person has successfully completed training in the use of the device that is equivalent to the training received by commissioned law enforcement officers.

Votes on Final Passage:

Senate	48	0	
House	75	23	(House amended)
Senate			(Senate refused to concur)
House	81	15	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 26, 2009