

SENATE BILL REPORT

ESSB 5263

As of Second Reading
Amended by House

Title: An act relating to prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

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).

Brief History:

Committee Activity: Judiciary: 1/27/09, 2/06/09 [DPS].

Passed Senate: 3/04/09, 48-0.

Passed House: 4/08/09, 75-23.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

Staff: Juliana Roe (786-7438)

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;

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- 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 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 of Engrossed Substitute Bill: 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.

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: Currently, students are not prohibited from bringing tasers or other devices that are manufactured or altered to be used as weapons to school. There really is no place for these items on school grounds. The language of the bill should reflect that the element of intent must be proven.

Persons Testifying: PRO: Don Pierce, Washington Association of Sheriffs and Police Chiefs; Dan Kimball, Thurston County Sheriff.

House Amendment(s): 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. A school security officer who is not a commissioned law enforcement officer is prohibited from using a stun gun or other electric shock device on or against a student unless the student's behavior poses a threat of great bodily harm or loss of life.