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HOUSE BILL 1433

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Scott, Taylor, Shea, Condotta, and Griffey

Read first time 01/20/15. Referred to Committee on Judiciary.

1            AN ACT Relating to conforming Washington state's school zones law  
2 to the federal gun-free school zones law; amending RCW 9.41.280 and  
3 9.41.280; creating a new section; providing an effective date; and  
4 providing an expiration date.

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

6            NEW SECTION.    **Sec. 1.**    In 1990, President William Jefferson  
7 Clinton signed the gun-free school zones act, 18 U.S.C. Sec. 922(q),  
8 to increase the safety of students, teachers, and staff. It is the  
9 intent of the legislature to bring our state's school zones law into  
10 closer conformity with the federal gun-free school zones act as  
11 codified on the date of introduction of this act.

12            **Sec. 2.**    RCW 9.41.280 and 2009 c 453 s 1 are each amended to read  
13 as follows:

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

18            (a) Any firearm;

19            (b) Any other dangerous weapon as defined in RCW 9.41.250;

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

4 (d) Any device, commonly known as "throwing stars", which are  
5 multi-pointed, metal objects designed to embed upon impact from any  
6 aspect;

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

10 (f)(i) Any portable device manufactured to function as a weapon  
11 and which is commonly known as a stun gun, including a projectile  
12 stun gun which projects wired probes that are attached to the device  
13 that emit an electrical charge designed to administer to a person or  
14 an animal an electric shock, charge, or impulse; or

15 (ii) Any device, object, or instrument which is used or intended  
16 to be used as a weapon with the intent to injure a person by an  
17 electric shock, charge, or impulse.

18 (2) Any such person violating subsection (1) of this section is  
19 guilty of a gross misdemeanor. If any person is convicted of a  
20 violation of subsection (1)(a) of this section, the person shall have  
21 his or her concealed pistol license, if any revoked for a period of  
22 three years. Anyone convicted under this subsection is prohibited  
23 from applying for a concealed pistol license for a period of three  
24 years. The court shall send notice of the revocation to the  
25 department of licensing, and the city, town, or county which issued  
26 the license.

27 Any violation of subsection (1) of this section by elementary or  
28 secondary school students constitutes grounds for expulsion from the  
29 state's public schools in accordance with RCW 28A.600.010. An  
30 appropriate school authority shall promptly notify law enforcement  
31 and the student's parent or guardian regarding any allegation or  
32 indication of such violation.

33 Upon the arrest of a person at least twelve years of age and not  
34 more than twenty-one years of age for violating subsection (1)(a) of  
35 this section, the person shall be detained or confined in a juvenile  
36 or adult facility for up to seventy-two hours. The person shall not  
37 be released within the seventy-two hours until after the person has  
38 been examined and evaluated by the designated mental health  
39 professional unless the court in its discretion releases the person

1 sooner after a determination regarding probable cause or on probation  
2 bond or bail.

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

13 The designated mental health professional may determine whether  
14 to refer the person to the county-designated chemical dependency  
15 specialist for examination and evaluation in accordance with chapter  
16 70.96A RCW. The county-designated chemical dependency specialist  
17 shall examine the person subject to the provisions of chapter 70.96A  
18 RCW. The examination shall occur at the facility in which the person  
19 is detained or confined. If the person has been released on  
20 probation, bond, or bail, the examination shall occur wherever is  
21 appropriate.

22 Upon completion of any examination by the designated mental  
23 health professional or the county-designated chemical dependency  
24 specialist, the results of the examination shall be sent to the  
25 court, and the court shall consider those results in making any  
26 determination about the person.

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

34 If the designated mental health professional determines it is  
35 appropriate, the designated mental health professional may refer the  
36 person to the local regional support network for follow-up services  
37 or the department of social and health services or other community  
38 providers for other services to the family and individual.

39 (3) Subsection (1) of this section does not apply to:

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

3 (b) Any person engaged in military, law enforcement, or school  
4 district security activities, or any person in possession of a  
5 firearm pursuant to a contract entered into between the school and  
6 the person or the person's employer. However, a person who is not a  
7 commissioned law enforcement officer and who provides school security  
8 services under the direction of a school administrator may not  
9 possess a device listed in subsection (1)(f) of this section unless  
10 he or she has successfully completed training in the use of such  
11 devices that is equivalent to the training received by commissioned  
12 law enforcement officers;

13 (c) Any person (~~(who is involved in a convention, showing,~~  
14 ~~demonstration, lecture, or firearms safety course authorized by~~  
15 ~~school authorities in which the firearms of collectors or instructors~~  
16 ~~are handled or displayed)) using a firearm in accordance with a  
17 program approved by the school;~~

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

20 (e) Any person in possession of a (~~pistol~~) firearm who has been  
21 issued a license under RCW 9.41.070, or is exempt from the licensing  
22 requirement by RCW 9.41.060(~~(, while picking up or dropping off a~~  
23 ~~student))~~);

24 (f) Any person in possession of a firearm that is unloaded while  
25 traversing school premises for the purpose of gaining access to  
26 public or private lands open to hunting, if entry on school premises  
27 is authorized by school authorities;

28 (g) Any nonstudent at least eighteen years of age legally in  
29 possession of a firearm or dangerous weapon that is secured within an  
30 attended vehicle or concealed from view within a locked unattended  
31 vehicle while conducting legitimate business at the school(~~(+~~

32 ~~+g))~~, or any ((nonstudent at least eighteen years of age))  
33 person who is in lawful possession of an unloaded firearm, secured in  
34 a vehicle while conducting legitimate business at the school; or

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

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

1 (5) Subsection (1)(f)(i) of this section does not apply to any  
2 person who possesses a device listed in subsection (1)(f)(i) of this  
3 section, if the device is possessed and used solely for the purpose  
4 approved by a school for use in a school authorized event, lecture,  
5 or activity conducted on the school premises.

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

9 ~~(7))~~ "GUN-FREE ZONE" signs shall be posted around school  
10 facilities giving warning of the prohibition of the possession of  
11 firearms on school grounds.

12 **Sec. 3.** RCW 9.41.280 and 2014 c 225 s 56 are each amended to  
13 read as follows:

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

18 (a) Any firearm;

19 (b) Any other dangerous weapon as defined in RCW 9.41.250;

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

23 (d) Any device, commonly known as "throwing stars," which are  
24 multipointed, metal objects designed to embed upon impact from any  
25 aspect;

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

29 (f)(i) Any portable device manufactured to function as a weapon  
30 and which is commonly known as a stun gun, including a projectile  
31 stun gun which projects wired probes that are attached to the device  
32 that emit an electrical charge designed to administer to a person or  
33 an animal an electric shock, charge, or impulse; or

34 (ii) Any device, object, or instrument which is used or intended  
35 to be used as a weapon with the intent to injure a person by an  
36 electric shock, charge, or impulse.

37 (2) Any such person violating subsection (1) of this section is  
38 guilty of a gross misdemeanor. If any person is convicted of a  
39 violation of subsection (1)(a) of this section, the person shall have

1 his or her concealed pistol license, if any revoked for a period of  
2 three years. Anyone convicted under this subsection is prohibited  
3 from applying for a concealed pistol license for a period of three  
4 years. The court shall send notice of the revocation to the  
5 department of licensing, and the city, town, or county which issued  
6 the license.

7 Any violation of subsection (1) of this section by elementary or  
8 secondary school students constitutes grounds for expulsion from the  
9 state's public schools in accordance with RCW 28A.600.010. An  
10 appropriate school authority shall promptly notify law enforcement  
11 and the student's parent or guardian regarding any allegation or  
12 indication of such violation.

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

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

32 The designated mental health professional may determine whether  
33 to refer the person to the county-designated chemical dependency  
34 specialist for examination and evaluation in accordance with chapter  
35 70.96A RCW. The county-designated chemical dependency specialist  
36 shall examine the person subject to the provisions of chapter 70.96A  
37 RCW. The examination shall occur at the facility in which the person  
38 is detained or confined. If the person has been released on  
39 probation, bond, or bail, the examination shall occur wherever is  
40 appropriate.

1 Upon completion of any examination by the designated mental  
2 health professional or the county-designated chemical dependency  
3 specialist, the results of the examination shall be sent to the  
4 court, and the court shall consider those results in making any  
5 determination about the person.

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

13 If the designated mental health professional determines it is  
14 appropriate, the designated mental health professional may refer the  
15 person to the local behavioral health organization for follow-up  
16 services or the department of social and health services or other  
17 community providers for other services to the family and individual.

18 (3) Subsection (1) of this section does not apply to:

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

21 (b) Any person engaged in military, law enforcement, or school  
22 district security activities, or any person in possession of a  
23 firearm pursuant to a contract entered into between the school and  
24 the person or the person's employer. However, a person who is not a  
25 commissioned law enforcement officer and who provides school security  
26 services under the direction of a school administrator may not  
27 possess a device listed in subsection (1)(f) of this section unless  
28 he or she has successfully completed training in the use of such  
29 devices that is equivalent to the training received by commissioned  
30 law enforcement officers;

31 (c) Any person (~~(who is involved in a convention, showing,~~  
32 ~~demonstration, lecture, or firearms safety course authorized by~~  
33 ~~school authorities in which the firearms of collectors or instructors~~  
34 ~~are handled or displayed)) using a firearm in accordance with a  
35 program approved by the school;~~

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

38 (e) Any person in possession of a (~~pistol~~) firearm who has been  
39 issued a license under RCW 9.41.070, or is exempt from the licensing

1 requirement by RCW 9.41.060(~~(, while picking up or dropping off a~~  
2 ~~student)~~);

3 (f) Any person in possession of a firearm that is unloaded while  
4 traversing school premises for the purpose of gaining access to  
5 public or private lands open to hunting, if entry on school premises  
6 is authorized by school authorities;

7 (g) Any nonstudent at least eighteen years of age legally in  
8 possession of a firearm or dangerous weapon that is secured within an  
9 attended vehicle or concealed from view within a locked unattended  
10 vehicle while conducting legitimate business at the school(+(

11 ~~+g))~~, or any ((nonstudent at least eighteen years of age))  
12 person who is in lawful possession of an unloaded firearm, secured in  
13 a vehicle while conducting legitimate business at the school; or

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

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

20 (5) Subsection (1)(f)(i) of this section does not apply to any  
21 person who possesses a device listed in subsection (1)(f)(i) of this  
22 section, if the device is possessed and used solely for the purpose  
23 approved by a school for use in a school authorized event, lecture,  
24 or activity conducted on the school premises.

25 ~~(6) ((Except as provided in subsection (3)(b), (c), (f), and (h)~~  
26 ~~of this section, firearms are not permitted in a public or private~~  
27 ~~school building.~~

28 ~~(7))~~ "GUN-FREE ZONE" signs shall be posted around school  
29 facilities giving warning of the prohibition of the possession of  
30 firearms on school grounds.

31 NEW SECTION. Sec. 4. Section 2 of this act expires April 1,  
32 2016.

33 NEW SECTION. Sec. 5. Section 3 of this act takes effect April  
34 1, 2016.

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