
SENATE BILL 5500

State of Washington 64th Legislature 2015 Regular Session

By Senators Roach, Angel, Bailey, Warnick, Honeyford, Dansel,
Parlette, and Padden

Read first time 01/22/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to permitting retired law enforcement officers to
2 carry firearms on school facilities; and amending RCW 9.41.280.

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

4 **Sec. 1.** RCW 9.41.280 and 2014 c 225 s 56 are each amended to
5 read 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;

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

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

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

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

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

9 (2) Any such person violating subsection (1) of this section is
10 guilty of a gross misdemeanor. If any person is convicted of a
11 violation of subsection (1)(a) of this section, the person shall have
12 his or her concealed pistol license, if any revoked for a period of
13 three years. Anyone convicted under this subsection is prohibited
14 from applying for a concealed pistol license for a period of three
15 years. The court shall send notice of the revocation to the
16 department of licensing, and the city, town, or county which issued
17 the license.

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

24 Upon the arrest of a person at least twelve years of age and not
25 more than twenty-one years of age for violating subsection (1)(a) of
26 this section, the person shall be detained or confined in a juvenile
27 or adult facility for up to seventy-two hours. The person shall not
28 be released within the seventy-two hours until after the person has
29 been examined and evaluated by the designated mental health
30 professional unless the court in its discretion releases the person
31 sooner after a determination regarding probable cause or on probation
32 bond or bail.

33 Within twenty-four hours of the arrest, the arresting law
34 enforcement agency shall refer the person to the designated mental
35 health professional for examination and evaluation under chapter
36 71.05 or 71.34 RCW and inform a parent or guardian of the person of
37 the arrest, detention, and examination. The designated mental health
38 professional shall examine and evaluate the person subject to the
39 provisions of chapter 71.05 or 71.34 RCW. The examination shall occur
40 at the facility in which the person is detained or confined. If the

1 person has been released on probation, bond, or bail, the examination
2 shall occur wherever is appropriate.

3 The designated mental health professional may determine whether
4 to refer the person to the county-designated chemical dependency
5 specialist for examination and evaluation in accordance with chapter
6 70.96A RCW. The county-designated chemical dependency specialist
7 shall examine the person subject to the provisions of chapter 70.96A
8 RCW. The examination shall occur at the facility in which the person
9 is detained or confined. If the person has been released on
10 probation, bond, or bail, the examination shall occur wherever is
11 appropriate.

12 Upon completion of any examination by the designated mental
13 health professional or the county-designated chemical dependency
14 specialist, the results of the examination shall be sent to the
15 court, and the court shall consider those results in making any
16 determination about the person.

17 The designated mental health professional and county-designated
18 chemical dependency specialist shall, to the extent permitted by law,
19 notify a parent or guardian of the person that an examination and
20 evaluation has taken place and the results of the examination.
21 Nothing in this subsection prohibits the delivery of additional,
22 appropriate mental health examinations to the person while the person
23 is detained or confined.

24 If the designated mental health professional determines it is
25 appropriate, the designated mental health professional may refer the
26 person to the local behavioral health organization for follow-up
27 services or the department of social and health services or other
28 community providers for other services to the family and individual.

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

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

32 (b) Any person engaged in military, law enforcement, or school
33 district security activities. However, a person who is not a
34 commissioned law enforcement officer and who provides school security
35 services under the direction of a school administrator may not
36 possess a device listed in subsection (1)(f) of this section unless
37 he or she has successfully completed training in the use of such
38 devices that is equivalent to the training received by commissioned
39 law enforcement officers;

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

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

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

11 (f) Any nonstudent at least eighteen years of age legally in
12 possession of a firearm or dangerous weapon that is secured within an
13 attended vehicle or concealed from view within a locked unattended
14 vehicle while conducting legitimate business at the school;

15 (g) Any nonstudent at least eighteen years of age who is in
16 lawful possession of an unloaded firearm, secured in a vehicle while
17 conducting legitimate business at the school; (~~(e)~~)

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

20 (i) Any retired law enforcement officer of a law enforcement
21 agency within Washington state who is permitted to carry a concealed
22 pistol under RCW 9.41.060.

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

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

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

35 (7) "GUN-FREE ZONE" signs shall be posted around school
36 facilities giving warning of the prohibition of the possession of
37 firearms on school grounds.

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