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HOUSE BILL 1763

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State of Washington

66th Legislature

2019 Regular Session

By Representative Young

1 AN ACT Relating to preparing for and responding to active shooter  
2 events and other acts of mass violence at schools; amending RCW  
3 9.41.280; adding a new chapter to Title 28A RCW; providing an  
4 expiration date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that schools  
7 across the nation have experienced tragic acts of mass violence,  
8 including active shooter events, and are currently unequipped to  
9 adequately respond to these events. The legislature finds that  
10 institutions and industries, including banking and financial  
11 institutions, local governments, and professional sports teams and  
12 leagues, among others, employ armed protective services to prevent  
13 and respond to these and other acts of violence. The legislature  
14 finds that the state, by failing to adequately employ such protective  
15 services in schools, is failing to protect the state's most  
16 vulnerable people and valuable resource, our children. The  
17 legislature finds that the state must respond immediately to protect  
18 children in the state.

19 (2) To protect schools and children in the state, the legislature  
20 intends to authorize certain common school and charter school  
21 employees, except for classroom teachers, to possess and carry a

1 concealed pistol on school premises if the employee holds a concealed  
2 pistol license and has been certified as completing two specialized  
3 training courses, including a course on how to safely use a firearm  
4 to prevent, stop, and respond to an active shooter event or other act  
5 of mass violence at a school, and a course on children's mental  
6 health awareness and conflict de-escalation. It is further the  
7 legislature's intent that the cost of these training courses be  
8 reasonable so they are accessible to all eligible school employees.

9 NEW SECTION. **Sec. 2.** (1)(a) A committee on school violence  
10 preparedness is established, with thirteen members as provided in  
11 this section.

12 (i) The president of the senate shall appoint one member from  
13 each of the two largest caucuses of the senate.

14 (ii) The speaker of the house of representatives shall appoint  
15 one member from each of the two largest caucuses of the house of  
16 representatives.

17 (iii) One member shall be the governor or the governor's  
18 designee.

19 (iv) One member shall be the superintendent of public instruction  
20 or the superintendent of public instruction's designee.

21 (v) One member shall be a representative of the Washington state  
22 school directors' association, appointed by the Washington state  
23 school directors' association.

24 (vi) One member shall be a representative of the Washington  
25 association of sheriffs and police chiefs, appointed by the  
26 Washington association of sheriffs and police chiefs.

27 (vii) The Washington adjutant general shall appoint one member  
28 who has experience with crisis response and who represents the  
29 national guard.

30 (viii) The governor shall appoint one member with special weapons  
31 and tactics expertise who represents a state council or organization  
32 of police and sheriffs that is not the Washington association of  
33 sheriffs and police chiefs.

34 (ix) The governor shall appoint two members who represent a  
35 national alliance or organization on mental illness.

36 (x) The governor shall appoint one member who represents a  
37 national organization representing the interests of firearm owners.

38 (b) The committee shall choose its chair from among its  
39 legislative members and the governor or governor's designee. The

1 governor or the governor's designee shall convene the initial meeting  
2 of the committee.

3 (2) The committee shall perform the following tasks by June 30,  
4 2019:

5 (a) Establish training curriculum standards that private and  
6 public entities may use to develop voluntary training programs  
7 offered to common school and charter school employees identified by  
8 the committee in (c) of this subsection who hold a concealed pistol  
9 license under chapter 9.41 RCW, on the topic of how to safely use a  
10 firearm to prevent, stop, and respond to an active shooter event or  
11 other act of mass violence at a school;

12 (b) Establish training curriculum standards that private and  
13 public entities may use to develop training programs on the issues of  
14 children's mental health awareness and conflict de-escalation; and

15 (c) Determine which school employees, except for classroom  
16 teachers, are eligible for the training described in (a) of this  
17 subsection.

18 (3) Staff support for the committee must be provided by the  
19 governor's office, senate committee services, and the office of  
20 program research.

21 (4) Legislative members of the committee are reimbursed for  
22 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
23 members are not entitled to be reimbursed for travel expenses if they  
24 are elected officials or are participating on behalf of an employer,  
25 governmental entity, or other organization.

26 (5) The expenses of the committee must be paid by the governor's  
27 office, the senate, and the house of representatives. Committee  
28 expenditures are subject to approval by the governor's office, the  
29 senate facilities and operations committee, and the house of  
30 representatives executive rules committee, or their successor  
31 committees.

32 (6) The committee must submit a report to the legislature by  
33 December 1, 2020, that includes the following information:

34 (a) A description of the training curriculum standards developed  
35 by the committee under subsection (2) of this section;

36 (b) A determination by the committee of which common school and  
37 charter school employees, except for classroom teachers, are eligible  
38 to undergo the training curriculum developed pursuant to subsection  
39 (2)(a) of this section and to possess or carry a concealed pistol on  
40 school premises;

1 (c) The number of common school and charter school employees who  
2 have engaged in training offered by public or private entities  
3 meeting standards established by the committee in subsection (2) of  
4 this section, to the extent this information is available when the  
5 report is due; and

6 (d) Any recommendations or policy considerations for the  
7 legislature's consideration.

8 (7)(a) Committee decisions regarding the adoption of training  
9 curriculum standards and determining which employees are eligible for  
10 the training developed under the standards established pursuant to  
11 subsection (2)(a) of this section must be made by a majority vote. A  
12 quorum is required to vote. Seven members of the committee constitute  
13 a quorum.

14 (b) The work of the committee is complete upon the submission of  
15 the report required under subsection (6) of this section.

16 (8) This section expires January 1, 2021.

17 NEW SECTION. **Sec. 3.** (1) An employee of a common school or  
18 charter school who the committee on school violence preparedness  
19 established in section 2 of this act determines is eligible to  
20 undergo training on how to safely possess, carry, and, if necessary,  
21 use a firearm to respond to an active shooter or act of mass violence  
22 at a school, may possess and carry a concealed pistol on school  
23 premises, if the employee has:

24 (a) A valid concealed pistol license issued under chapter 9.41  
25 RCW;

26 (b) Completed a training program meeting the standards  
27 established by the committee in section 2(2)(a) of this act and has  
28 been issued a certification from the entity providing the training  
29 demonstrating the employee's successful completion of the training;  
30 and

31 (c) Completed a training program meeting the standards  
32 established by the committee in section 2(2)(b) of this act and has  
33 been issued a certification from the entity providing the training  
34 demonstrating the employee's successful completion of the training.

35 (2)(a) Training offered by a public or private entity meeting the  
36 standards established by the committee pursuant to section 2(2) of  
37 this act is voluntary for school employees and the cost of training  
38 must be paid by the individual employee undergoing the training.

1 (b) Holding a valid concealed pistol license under chapter 9.41  
2 RCW is a prerequisite to enroll in a training program meeting the  
3 standards established by the committee under section 2(2)(a) of this  
4 act.

5 (c) A public or private entity offering training meeting the  
6 standards established by the committee under section 2(2) of this act  
7 must issue a certification to a common school or charter school  
8 employee who successfully completes the training.

9 (d) Classroom teachers are ineligible to enroll in a training  
10 program meeting the standards established by the committee under  
11 section 2(2)(a) of this act.

12 (e) Any school employee, including classroom teachers, may  
13 complete a training program meeting standards established by the  
14 committee under section 2(2)(b) of this act.

15 (3) If an employee of a common school or charter school is  
16 qualified under subsection (1) of this section to possess and carry a  
17 concealed pistol on school grounds, no additional authorization from  
18 the school at which the employee works is required and the school may  
19 not prohibit the employee from carrying or possessing a concealed  
20 pistol on school premises in accordance with this section.

21 NEW SECTION. **Sec. 4.** Upon the committee on school violence  
22 preparedness's establishment of training curriculum standards and the  
23 committee's determination of which school employees are eligible for  
24 the training in section 2(2)(a) of this act, the superintendent of  
25 public instruction shall promptly adopt rules publishing the training  
26 curriculum standards and eligible school employees.

27 **Sec. 5.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended  
28 to read as follows:

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

33 (a) Any firearm;

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

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

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

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

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

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

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

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

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

38 Within twenty-four hours of the arrest, the arresting law  
39 enforcement agency shall refer the person to the designated crisis  
40 responder for examination and evaluation under chapter 71.05 or 71.34

1 RCW and inform a parent or guardian of the person of the arrest,  
2 detention, and examination. The designated crisis responder shall  
3 examine and evaluate the person subject to the provisions of chapter  
4 71.05 or 71.34 RCW. The examination shall occur at the facility in  
5 which the person is detained or confined. If the person has been  
6 released on probation, bond, or bail, the examination shall occur  
7 wherever is appropriate.

8 Upon completion of any examination by the designated crisis  
9 responder, the results of the examination shall be sent to the court,  
10 and the court shall consider those results in making any  
11 determination about the person.

12 The designated crisis responder shall, to the extent permitted by  
13 law, notify a parent or guardian of the person that an examination  
14 and evaluation has taken place and the results of the examination.  
15 Nothing in this subsection prohibits the delivery of additional,  
16 appropriate mental health examinations to the person while the person  
17 is detained or confined.

18 If the designated crisis responder determines it is appropriate,  
19 the designated crisis responder may refer the person to the local  
20 behavioral health organization for follow-up services or the  
21 (~~department of social and health services~~) health care authority or  
22 other community providers for other services to the family and  
23 individual.

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

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

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

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

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

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

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

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

12 (h) Any person authorized under section 3 of this act to possess  
13 or carry a concealed pistol on school premises; or

14 (i) 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~~)  
26 (h), and (i) of this section, firearms are not permitted in a public  
27 or private 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. 6. Sections 1 through 4 of this act  
32 constitute a new chapter in Title 28A RCW.

33 NEW SECTION. Sec. 7. This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of  
35 the state government and its existing public institutions, and takes  
36 effect immediately.

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