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HOUSE BILL 1788

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Pike, Blake, Scott, Overstreet, Taylor, Takko, Shea, Condotta, Klippert, Orcutt, and Vick

Read first time 02/08/13. Referred to Committee on Judiciary.

1 AN ACT Relating to allowing public school districts and private  
2 schools to adopt a policy authorizing permanent employees to possess  
3 firearms on school grounds under certain conditions; amending RCW  
4 9.41.280; adding a new section to chapter 28A.320 RCW; adding a new  
5 section to chapter 28A.195 RCW; adding a new section to chapter 43.101  
6 RCW; creating new sections; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** This act may be known and cited as the safer  
9 schools act of 2013.

10 NEW SECTION. **Sec. 2.** According to Article IX of the Washington  
11 state Constitution it is the paramount duty of the state to provide for  
12 basic education. The legislature finds that pursuant to this duty,  
13 basic education requires a safe learning environment. The legislature  
14 finds that local school boards are required by federal law to adopt  
15 school safety plans and existing public law already allows local school  
16 boards to use school resource officers or hire private security  
17 officers. The legislature further finds that for some school districts  
18 this can be cost-prohibitive. It is the intent of the legislature to

1 provide local school boards additional options to provide for school  
2 safety and ensure that Washington state is in compliance with all  
3 provisions of the United States Constitution, federal law, and Article  
4 I, section 24 of the Washington state Constitution.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 (1) The board of directors of a school district may adopt a written  
8 policy authorizing one or more permanent employees of a school located  
9 within the school district to possess firearms on school grounds. The  
10 written policy must address:

11 (a) A procedure for implementing the written policy within the  
12 school district, including a process for authorizing permanent  
13 employees to possess firearms under the written policy and determining  
14 that the requirements of the written policy are met;

15 (b) The training and eligibility requirements that will apply to  
16 permanent employees who are authorized to possess firearms under the  
17 written policy. The training and eligibility requirements must  
18 include, at a minimum, the requirements of subsection (3) of this  
19 section, and may include additional requirements as determined by the  
20 board;

21 (c) The number of permanent employees who will be authorized to  
22 possess firearms at schools within the school district;

23 (d) The types of firearms and ammunition that may be possessed on  
24 school grounds; and

25 (e) Standards specifying the manner in which firearms shall be  
26 possessed and stored, and the circumstances under which a firearm may  
27 be used. The written policy shall require that permanent employees who  
28 are authorized to possess firearms must keep the firearm concealed  
29 while on school grounds except in circumstances authorized under the  
30 written policy.

31 (2) A board that adopts a written policy authorizing permanent  
32 employees to possess firearms on school grounds must notify local law  
33 enforcement agencies within the school district of the adoption of the  
34 policy.

35 (3) A permanent employee is not authorized to possess a firearm on  
36 school grounds under this section unless the permanent employee has:

1 (a) Obtained a valid concealed pistol license issued under RCW  
2 9.41.070;

3 (b) Successfully completed a firearms training program approved by  
4 the criminal justice training commission under section 5 of this act;  
5 and

6 (c) Been approved by the board as authorized to possess a firearm  
7 on school grounds under the written policy.

8 (4) Permanent employees who are authorized under this section to  
9 possess firearms on school grounds are responsible for obtaining an  
10 approved firearm and ammunition, and paying the costs of the required  
11 training program under section 5 of this act. The board may elect to  
12 provide reimbursement to permanent employees for these expenses.

13 (5) The school district, the board, and permanent employees who are  
14 authorized to possess firearms on school grounds pursuant to a written  
15 policy that complies with the requirements of this section are not  
16 liable for damages in any action arising from acts or omissions in  
17 responding to an incident that threatens the safety or security of the  
18 school or its students or employees, other than acts or omissions  
19 constituting recklessness or willful or wanton misconduct.

20 (6) For the purposes of this section:

21 (a) "Board" means the board of directors of a school district;

22 (b) "Permanent employee" means a teacher, administrator, or other  
23 person under a continuing or renewable employment contract with the  
24 school district for a period of not less than one school year, but does  
25 not include a person who is in provisional or temporary status; and

26 (c) "School grounds" means elementary or secondary school premises,  
27 school-provided transportation, or areas of facilities while being used  
28 exclusively by schools.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.195  
30 RCW to read as follows:

31 Private schools are authorized to adopt a written policy allowing  
32 school employees to possess firearms on school grounds if done in  
33 accordance with the standards established in section 3 of this act.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW  
35 to read as follows:

36 The commission shall establish a firearms training and education

1 program for permanent employees of school districts authorized to  
2 possess firearms on school grounds under section 3 or 4 of this act.  
3 The commission shall adopt rules establishing the fees, training  
4 requirements, and procedures for obtaining the required training. The  
5 fees charged by the commission shall recover the costs incurred by the  
6 commission in developing and administering the program.

7 **Sec. 6.** RCW 9.41.280 and 2009 c 453 s 1 are each amended to read  
8 as follows:

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

13 (a) Any firearm;

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

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

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

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

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

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

32 (2) Any such person violating subsection (1) of this section is  
33 guilty of a gross misdemeanor. If any person is convicted of a  
34 violation of subsection (1)(a) of this section, the person shall have  
35 his or her concealed pistol license, if any revoked for a period of  
36 three years. Anyone convicted under this subsection is prohibited from

1 applying for a concealed pistol license for a period of three years.  
2 The court shall send notice of the revocation to the department of  
3 licensing, and the city, town, or county which issued the license.

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

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

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

28 The designated mental health professional may determine whether to  
29 refer the person to the county-designated chemical dependency  
30 specialist for examination and evaluation in accordance with chapter  
31 70.96A RCW. The county-designated chemical dependency specialist shall  
32 examine the person subject to the provisions of chapter 70.96A RCW.  
33 The examination shall occur at the facility in which the person is  
34 detained or confined. If the person has been released on probation,  
35 bond, or bail, the examination shall occur wherever is appropriate.

36 Upon completion of any examination by the designated mental health  
37 professional or the county-designated chemical dependency specialist,

1 the results of the examination shall be sent to the court, and the  
2 court shall consider those results in making any determination about  
3 the person.

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

11 If the designated mental health professional determines it is  
12 appropriate, the designated mental health professional may refer the  
13 person to the local regional support network for follow-up services or  
14 the department of social and health services or other community  
15 providers for other services to the family and individual.

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

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

19 (b) Any person engaged in military, law enforcement, or school  
20 district security activities. However, a person who is not a  
21 commissioned law enforcement officer and who provides school security  
22 services under the direction of a school administrator may not possess  
23 a device listed in subsection (1)(f) of this section unless he or she  
24 has successfully completed training in the use of such devices that is  
25 equivalent to the training received by commissioned law enforcement  
26 officers;

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

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

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

36 (f) Any nonstudent at least eighteen years of age legally in  
37 possession of a firearm or dangerous weapon that is secured within an

1 attended vehicle or concealed from view within a locked unattended  
2 vehicle while conducting legitimate business at the school;

3 (g) Any nonstudent at least eighteen years of age who is in lawful  
4 possession of an unloaded firearm, secured in a vehicle while  
5 conducting legitimate business at the school; (~~or~~)

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

8 (i) Any permanent employee who is authorized to possess a firearm  
9 on school grounds under section 3 or 4 of this act.

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

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

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

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

25 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and takes effect  
28 immediately.

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