
HOUSE BILL 1908

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Scott and Pike

Read first time 02/15/13. Referred to Committee on Judiciary.

1 AN ACT Relating to firearms on school property; amending RCW
2 9.41.280; and creating a new section.

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

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

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

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

16 (a) Any firearm;

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

1 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
2 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 to
8 propel a BB, pellet, or other projectile by the discharge of compressed
9 air, carbon dioxide, or other gas; or

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

15 (ii) Any device, object, or instrument which is used or intended to
16 be used as a weapon with the intent to injure a person by an electric
17 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 from
23 applying for a concealed pistol license for a period of three years.
24 The court shall send notice of the revocation to the department of
25 licensing, and the city, town, or county which issued the license.

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

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

1 unless the court in its discretion releases the person sooner after a
2 determination regarding probable cause or on probation 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 71.05
6 or 71.34 RCW and inform a parent or guardian of the person of the
7 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 to
14 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 shall
17 examine the person subject to the provisions of chapter 70.96A RCW.
18 The examination shall occur at the facility in which the person is
19 detained or confined. If the person has been released on probation,
20 bond, or bail, the examination shall occur wherever is appropriate.

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

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

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

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

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

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

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

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

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

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

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

36 (4) Subsections (1)(c) and (d) of this section do not apply to any
37 person who possesses nun-chu-ka sticks, throwing stars, or other

1 dangerous weapons to be used in martial arts classes authorized to be
2 conducted on the school premises.

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

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

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

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