
HOUSE BILL 2318

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By Representatives Wolfe, Holm, Foreman, J. Kohl, Romero, Anderson, Scott, Orr, Sheldon, Wineberry, L. Johnson and Quall

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1 AN ACT Relating to possession of dangerous weapons by juveniles in
2 or near certain areas; amending RCW 9.41.280, 13.40.265, and 46.20.265;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** It is evident from many sources, including
6 reports from schools, police, the media, and research, that the
7 possession by youth of firearms and other dangerous weapons on school
8 grounds and in other public areas such as parks poses a serious risk to
9 public safety. Concern about gang activity is increasing. The
10 legislature finds the current prohibitions against firearms and other
11 dangerous weapons on school premises to be important, but insufficient
12 in deterring youth from possessing firearms and other dangerous weapons
13 or in engaging in gang-related activity at or near schools and public
14 parks. The legislature further finds that additional deterrents are
15 needed.

16 **Sec. 2.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
17 as follows:

1 (1) It is unlawful for a person to carry onto public or private
2 elementary or secondary school premises, school-provided transporta-
3 tion, or areas of facilities while being used exclusively by public or
4 private schools:

5 (a) Any firearm; or

6 (b) Any dangerous weapon as defined in RCW 9.41.250; or

7 (c) Any explosive or explosive device; or

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

11 ~~((d))~~ (e) Any device, commonly known as "throwing stars", which
12 are multi-pointed, metal objects designed to embed upon impact from any
13 aspect; or

14 ~~((e))~~ (f) Any air gun, including any air pistol or air rifle,
15 designed to propel a BB, pellet, or other projectile by the discharge
16 of compressed air, carbon dioxide, or other gas.

17 (2) Any such person violating subsection (1) of this section is
18 guilty of a gross misdemeanor.

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

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

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

30 (b) Any person engaged in military, law enforcement, or school
31 district security activities;

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

36 (d) Any person who possesses nun-chu-ka sticks, throwing stars, or
37 other dangerous weapons to be used in martial arts classes authorized
38 to be conducted on the school premises;

1 (e) Any person while the person is participating in a firearms or
2 air gun competition approved by the school or school district;

3 (f) Any person who has been issued a license under RCW 9.41.070,
4 while picking up or dropping off a student;

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

9 (h) Any person who is in lawful possession of an unloaded firearm,
10 secured in a vehicle while conducting legitimate business at the
11 school; or

12 (i) Any law enforcement officer of the federal, state, or local
13 government agency.

14 (4) Except as provided in subsection (3)(b), (c), (e), and (i) of
15 this section, firearms are not permitted in a public or private school
16 building.

17 (5)(a) No person under the age of eighteen years may possess a
18 firearm or other dangerous weapon within one thousand feet of the
19 perimeter of public or private elementary or secondary school premises.

20 (b) No person under the age of eighteen years may possess a firearm
21 or other dangerous weapon in a public park, or within one thousand feet
22 of the perimeter of a public park.

23 (c) As used in this subsection (5), the term "dangerous weapon"
24 includes any item listed in subsection (1)(b) through (f) of this
25 section.

26 (d) This subsection (5) does not apply to a person:

27 (i) Engaged in an activity listed in subsection (3)(a) through (e)
28 of this section;

29 (ii) Otherwise in lawful possession of an unloaded firearm or of
30 another dangerous weapon while in a motor vehicle proceeding along a
31 public thoroughfare; or

32 (iii) On private property not part of school premises, with the
33 permission of the property owner, if the person under the age of
34 eighteen is otherwise in lawful possession of the firearm or other
35 dangerous weapon.

36 (6) In addition to any other penalty provided for by law, driving
37 privileges shall be revoked or postponed for a person thirteen years of
38 age or older and under the age of eighteen found to have illegally
39 possessed a firearm or other dangerous weapon in violation of

1 subsections (1) and (5) of this section. The person's driving
2 privileges shall be postponed or revoked and reinstated in accordance
3 with the procedures established in RCW 13.40.265 and 46.20.265.

4 (7) "GUN-FREE ZONE" signs shall be posted ((around)) at the
5 boundary of school facilities giving warning of the prohibition of the
6 possession of firearms on school grounds.

7 **Sec. 3.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to
8 read as follows:

9 (1)(a) If a juvenile thirteen years of age or older is found by
10 juvenile court to have committed an offense that is a violation of
11 chapter 66.44, 69.41, 69.50, or 69.52 RCW or RCW 9.41.280 (1) or (5),
12 the court shall notify the department of licensing within twenty-four
13 hours after entry of the judgment.

14 (b) Except as otherwise provided in (c) of this subsection, upon
15 petition of a juvenile who has been found by the court to have
16 committed an offense that is a violation of chapter 66.44, 69.41,
17 69.50, or 69.52 RCW or RCW 9.41.280 (1) or (5), the court may at any
18 time the court deems appropriate notify the department of licensing
19 that the juvenile's driving privileges should be reinstated.

20 (c)(i) If the offense is the juvenile's first violation of chapter
21 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
22 court for reinstatement of the juvenile's privilege to drive revoked
23 pursuant to RCW 46.20.265 until ninety days after the date the juvenile
24 turns sixteen or ninety days after the judgment was entered, whichever
25 is later. If the offense is the juvenile's second or subsequent
26 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
27 may not petition the court for reinstatement of the juvenile's
28 privilege to drive revoked pursuant to RCW 46.20.265 until the date the
29 juvenile turns seventeen or one year after the date judgment was
30 entered, whichever is later.

31 (ii) If the offense is a violation of RCW 9.41.280 (1) or (5), the
32 juvenile may not petition the court for reinstatement of the juvenile's
33 privilege to drive revoked under RCW 46.20.265 until the date the
34 juvenile turns seventeen or one year after the date judgment was
35 entered, whichever is later.

36 (2)(a) If a juvenile enters into a diversion agreement with a
37 diversion unit pursuant to RCW 13.40.080 concerning an offense that is
38 a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion

1 unit shall notify the department of licensing within twenty-four hours
2 after the diversion agreement is signed.

3 (b) If a diversion unit has notified the department pursuant to (a)
4 of this subsection, the diversion unit shall notify the department of
5 licensing when the juvenile has completed the agreement.

6 **Sec. 4.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to read
7 as follows:

8 (1) In addition to any other authority to revoke driving privileges
9 under this chapter, the department shall revoke all driving privileges
10 of a juvenile when the department receives notice from a court pursuant
11 to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a
12 substantially similar municipal ordinance adopted by a local
13 legislative authority, or from a diversion unit pursuant to RCW
14 13.40.265. The revocation shall be imposed without hearing.

15 (2) The driving privileges of the juvenile revoked under subsection
16 (1) of this section shall be revoked in the following manner:

17 (a) Except as provided in (c) of this subsection, upon receipt of
18 the first notice, the department shall impose a revocation for one
19 year, or until the juvenile reaches seventeen years of age, whichever
20 is longer.

21 (b) Except as provided in (c) of this subsection, upon receipt of
22 a second or subsequent notice, the department shall impose a revocation
23 for two years or until the juvenile reaches eighteen years of age,
24 whichever is longer.

25 (c) Upon receipt of a notice of a violation of RCW 9.41.280 (1) or
26 (5), the department shall impose a revocation for two years or until
27 the juvenile reaches eighteen years of age, whichever is longer.

28 (3) If the department receives notice from a court that the
29 juvenile's privilege to drive should be reinstated, the department
30 shall immediately reinstate any driving privileges that have been
31 revoked under this section.

32 (4)(a) If the department receives notice pursuant to RCW
33 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
34 diversion agreement for which the juvenile's driving privileges were
35 revoked, the department shall reinstate any driving privileges revoked
36 under this section as provided in (b) of this subsection.

37 (b) If the diversion agreement was for the juvenile's first
38 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department

1 shall not reinstate the juvenile's privilege to drive until the later
2 of ninety days after the date the juvenile turns sixteen or ninety days
3 after the juvenile entered into a diversion agreement for the offense.
4 If the diversion agreement was for the juvenile's second or subsequent
5 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
6 shall not reinstate the juvenile's privilege to drive until the later
7 of the date the juvenile turns seventeen or one year after the juvenile
8 entered into the second or subsequent diversion agreement.

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