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HOUSE BILL 2048

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Klippert, Rodne, Ross, Warnick, and Kelley

Read first time 02/06/09. Referred to Committee on Judiciary.

1            AN ACT Relating to preventing the possession on school facilities  
2 of certain nonfirearm-related weapons that have the capacity to inflict  
3 death or substantial bodily harm; and amending RCW 9.41.280.

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

5            **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read  
6 as follows:

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

11            (a) Any firearm;

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

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

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

1 (e) Any air gun, including any air pistol or air rifle, designed to  
2 propel a BB, pellet, or other projectile by the discharge of compressed  
3 air, carbon dioxide, or other gas.

4 (2) It is unlawful for a person on public or private elementary or  
5 secondary school premises, school-provided transportation, or areas of  
6 facilities while being used exclusively by public or private schools to  
7 possess and use, attempt to use, threaten to use, or intend to use any  
8 object, implement, or instrument that has the capacity to inflict death  
9 or substantial bodily harm when the use, attempt, threat, or intent is  
10 of a nature likely to inflict death or substantial bodily harm.

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

19 Any violation of subsection (1) or (2) of this section by  
20 elementary or secondary school students constitutes grounds for  
21 expulsion from the state's public schools in accordance with RCW  
22 28A.600.010. An appropriate school authority shall promptly notify law  
23 enforcement and the student's parent or guardian regarding any  
24 allegation or indication of such violation.

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

34 Within twenty-four hours of the arrest, the arresting law  
35 enforcement agency shall refer the person to the (~~county~~)designated  
36 mental health professional for examination and evaluation under chapter  
37 71.05 or 71.34 RCW and inform a parent or guardian of the person of the  
38 arrest, detention, and examination. The (~~county~~)designated mental

1 health professional shall examine and evaluate the person subject to  
2 the provisions of chapter 71.05 or 71.34 RCW. The examination shall  
3 occur at the facility in which the person is detained or confined. If  
4 the person has been released on probation, bond, or bail, the  
5 examination shall occur wherever is appropriate.

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

15 Upon completion of any examination by the ((~~county~~))designated  
16 mental health professional or the county-designated chemical dependency  
17 specialist, the results of the examination shall be sent to the court,  
18 and the court shall consider those results in making any determination  
19 about the person.

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

27 If the ((~~county~~))designated mental health professional determines  
28 it is appropriate, the ((~~county~~))designated mental health professional  
29 may refer the person to the local regional support network for follow-  
30 up services or the department of social and health services or other  
31 community providers for other services to the family and individual.

32 ((~~(+3)~~)) (4) Subsection (1) or (2) of this section does not apply  
33 to:

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

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

1 (c) Any person who is involved in a convention, showing,  
2 demonstration, lecture, or firearms safety course authorized by school  
3 authorities in which the firearms of collectors or instructors are  
4 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 requirement  
9 by RCW 9.41.060, while picking up or dropping off a student;

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

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

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

19 ~~((4))~~ (5) Subsections (1)(c) and (d) of this section do not apply  
20 to any person who possesses nun-chu-ka sticks, throwing stars, or other  
21 dangerous weapons to be used in martial arts classes authorized to be  
22 conducted on the school premises.

23 ~~((5))~~ (6) Except as provided in subsection ~~((3))~~ (4)(b), (c),  
24 (f), and (h) of this section, firearms are not permitted in a public or  
25 private school building.

26 ~~((6))~~ (7) "GUN-FREE ZONE" signs shall be posted around school  
27 facilities giving warning of the prohibition of the possession of  
28 firearms on school grounds.

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