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**SUBSTITUTE SENATE BILL 5307**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Read first time 02/24/93.

1 AN ACT Relating to student safety and discipline; amending RCW  
2 9.41.280, 9.41.300, and 28A.635.060; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.280 and 1989 c 219 s 1 are each amended to read  
5 as follows:

6 (1) It is unlawful for (~~(an elementary or secondary school student~~  
7 ~~under the age of twenty-one knowingly)) a person to carry onto public  
8 or private elementary or secondary school premises, school-provided  
9 transportation, or athletic facilities leased by public or private  
10 schools:~~

11 (a) Any firearm; or

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

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; or

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) Any such ~~((student))~~ person violating subsection (1) of this  
5 section is guilty of a gross misdemeanor.

6 Any violation of subsection (1) of this section by elementary or  
7 secondary school students constitutes grounds for expulsion from the  
8 state's public schools.

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

10 (a) Any student or employee of a private military academy; or

11 (b) Any ~~((student))~~ person engaged in military, law enforcement, or  
12 school district security activities(~~(, sponsored by the federal or~~  
13 ~~state governments while engaged in official duties))~~; or

14 (c) Any ~~((student))~~ person who is ~~((attending))~~ involved in a  
15 convention, showing, demonstration, lecture, or firearms safety course  
16 authorized by school authorities in which the firearms of collectors or  
17 instructors are handled or displayed; or

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

21 (e) Any ~~((student))~~ person while the ~~((student))~~ person is  
22 participating in a firearms or air gun competition approved by the  
23 school or school district; or

24 (f) Any person legally in possession of a firearm or dangerous  
25 weapon that is secured within an attended vehicle or concealed from  
26 view within a locked unattended vehicle.

27 **Sec. 2.** RCW 9.41.300 and 1985 c 428 s 2 are each amended to read  
28 as follows:

29 (1) It is unlawful for any person to enter the following places  
30 when he or she knowingly possesses or knowingly has under his or her  
31 control a firearm:

32 (a) The restricted access areas of a jail, or of a law enforcement  
33 facility, or any place used for the confinement of a person (i)  
34 arrested for, charged with, or convicted of an offense, (ii) charged  
35 with being or adjudicated to be a juvenile offender as defined in RCW  
36 13.40.020, (iii) held for extradition or as a material witness, or (iv)  
37 otherwise confined pursuant to an order of a court, except an order

1 under chapter 13.32A or 13.34 RCW. Restricted access areas do not  
2 include common areas of egress or ingress open to the general public;

3 (b) A courtroom or judge's chamber, while either is being used for  
4 any judicial proceeding. This does not include common areas of egress  
5 and ingress of the courthouse;

6 (c) The restricted access areas of a public mental health facility  
7 certified by the department of social and health services for inpatient  
8 hospital care and state institutions for the care of the mentally ill,  
9 excluding those facilities solely for evaluation and treatment.  
10 Restricted access areas do not include common areas of egress and  
11 ingress open to the general public; ~~((or))~~

12 (d) That portion of an establishment classified by the state liquor  
13 control board as off-limits to persons under twenty-one years of age;  
14 or

15 (e) Public or private school premises, school-provided  
16 transportation, or athletic facilities leased by public or private  
17 schools.

18 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and  
19 other municipalities may enact laws, policies, and ordinances:

20 (a) Restricting the discharge of firearms in any portion of their  
21 respective jurisdictions where there is a reasonable likelihood that  
22 humans, domestic animals, or property will be jeopardized. Such laws,  
23 policies, and ordinances shall not abridge the right of the individual  
24 guaranteed by Article I, section 24 of the state Constitution to bear  
25 arms in defense of self or others; ~~((and))~~

26 (b) Restricting the possession of firearms in any stadium or  
27 convention center, operated by a city, town, county, or other  
28 municipality, except that such restrictions shall not apply to ~~((~~

29 ~~(i) Any firearm in the possession of a person licensed under RCW~~  
30 ~~9.41.070; or~~

31 ~~(ii))~~ any showing, demonstration, or lecture involving the  
32 exhibition of firearms; and

33 (c) Restricting the possession and use of firearms on public school  
34 premises, school-provided transportation, or athletic facilities leased  
35 by public or private schools.

36 (3) The perimeter of the premises of any specific location covered  
37 by subsection (1) of this section shall be posted at reasonable  
38 intervals to alert the public as to the existence of any law  
39 restricting the possession of firearms on the premises.

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

2 (a) A person engaged in military activities sponsored by the  
3 federal or state governments, while engaged in official duties;

4 (b) Law enforcement personnel; or

5 (c) Security personnel while engaged in official duties.

6 (5) Subsection (1)(a) of this section does not apply to a person  
7 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
8 facility, directly and promptly proceeds to the administrator of the  
9 facility or the administrator's designee and obtains written permission  
10 to possess the firearm while on the premises or checks his or her  
11 firearm. The person may reclaim the firearms upon leaving but must  
12 immediately and directly depart from the place or facility.

13 (6) Subsection (1)(b) of this section does not apply to a judge or  
14 court employee or to any person licensed under RCW 9.41.070 who, before  
15 entering the restricted area, directly and promptly proceeds to the  
16 court administrator or the administrator's designee and obtains written  
17 permission to possess the firearm.

18 (7) Subsection (1)(c) of this section does not apply to any  
19 administrator or employee of the facility or to any person who, upon  
20 entering the place or facility, directly and promptly proceeds to the  
21 administrator of the facility or the administrator's designee and  
22 obtains written permission to possess the firearm while on the  
23 premises.

24 (8) Subsection (1)(d) of this section does not apply to the  
25 proprietor of the premises or his or her employees while engaged in  
26 their employment.

27 (9) Any person violating subsection (1) of this section is guilty  
28 of a misdemeanor.

29 **Sec. 3.** RCW 28A.635.060 and 1989 c 269 s 6 are each amended to  
30 read as follows:

31 (1) Any pupil who shall deface or otherwise injure any school  
32 property, shall be liable to suspension and punishment. Any school  
33 district whose property has been lost or willfully cut, defaced, or  
34 injured, may withhold the grades, diploma, and transcripts of the pupil  
35 responsible for the damage or loss until the pupil or the pupil's  
36 parent or guardian has paid for the damages, unless the student is  
37 transferring to another elementary or secondary educational  
38 institution, in which case the student's permanent record shall be

1 released promptly to the receiving school. When the pupil and parent  
2 or guardian are unable to pay for the damages, the school district  
3 shall provide a program of voluntary work for the pupil in lieu of the  
4 payment of monetary damages. Upon completion of voluntary work the  
5 grades, diploma, and transcripts of the pupil shall be released. The  
6 parent or guardian of such pupil shall be liable for damages as  
7 otherwise provided by law.

8 (2) Before any penalties are assessed under this section, a school  
9 district board of directors shall adopt procedures which insure that  
10 pupils' rights to due process are protected.

11 (3) If the department of social and health services or a child-  
12 placing agency licensed by the department has been granted custody of  
13 a child, that child's records, if requested by the department or  
14 agency, are not to be withheld for nonpayment of school fees or any  
15 other reason.

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