

2 SSB 5214 - H COMM AMD
3 By Committee on Appropriations

4 ADOPTED AS AMENDED 4/16/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9.41.280 and 1996 c 295 s 13 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; or

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.

24 (2) Any such person violating subsection (1) of this section is
25 guilty of a gross misdemeanor. If any person is convicted of a
26 violation of subsection (1)(a) of this section, the person shall have
27 his or her concealed pistol license, if any revoked for a period of
28 three years. Anyone convicted under this subsection is prohibited from
29 applying for a concealed pistol license for a period of three years.
30 The court shall send notice of the revocation to the department of
31 licensing, and the city, town, or county which issued the license.

32 Any violation of subsection (1) of this section by elementary or
33 secondary school students constitutes grounds for expulsion from the
34 state's public schools in accordance with RCW 28A.600.010. An
35 appropriate school authority shall promptly notify law enforcement and

1 the student's parent or guardian regarding any allegation or indication
2 of such violation.

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

12 Within twenty-four hours of the arrest, the arresting law
13 enforcement agency shall refer the person to the county-designated
14 mental health professional for examination and evaluation under chapter
15 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
16 arrest, detention, and examination. The county-designated mental
17 health professional shall examine and evaluate the person subject to
18 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
19 occur at the facility in which the person is detained or confined. If
20 the person has been released on probation, bond, or bail, the
21 examination shall occur wherever is appropriate.

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

31 Upon completion of any examination by the county-designated mental
32 health professional or the county-designated chemical dependency
33 specialist, the results of the examination shall be sent to the court,
34 and the court shall consider those results in making any determination
35 about the person.

36 The county-designated mental health professional and county-
37 designated chemical dependency specialist shall, to the extent
38 permitted by law, notify a parent or guardian of the person that an
39 examination and evaluation has taken place and the results of the

1 examination. Nothing in this subsection prohibits the delivery of
2 additional, appropriate mental health examinations to the person while
3 the person is detained or confined.

4 If the county-designated mental health professional determines it
5 is appropriate, the county-designated mental health professional may
6 refer the person to the local regional support network for follow-up
7 services or the department of social and health services or other
8 community providers for other services to the family and individual.

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

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

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

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

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

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

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

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

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

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

36 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of
37 this section, firearms are not permitted in a public or private school
38 building.

1 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
2 giving warning of the prohibition of the possession of firearms on
3 school grounds.

4 **Sec. 2.** RCW 13.40.040 and 1997 c 338 s 13 are each amended to read
5 as follows:

6 (1) A juvenile may be taken into custody:

7 (a) Pursuant to a court order if a complaint is filed with the
8 court alleging, and the court finds probable cause to believe, that the
9 juvenile has committed an offense or has violated terms of a
10 disposition order or release order; or

11 (b) Without a court order, by a law enforcement officer if grounds
12 exist for the arrest of an adult in identical circumstances. Admission
13 to, and continued custody in, a court detention facility shall be
14 governed by subsection (2) of this section; or

15 (c) Pursuant to a court order that the juvenile be held as a
16 material witness; or

17 (d) Where the secretary or the secretary's designee has suspended
18 the parole of a juvenile offender.

19 (2) A juvenile may not be held in detention unless there is
20 probable cause to believe that:

21 (a) The juvenile has committed an offense or has violated the terms
22 of a disposition order; and

23 (i) The juvenile will likely fail to appear for further
24 proceedings; or

25 (ii) Detention is required to protect the juvenile from himself or
26 herself; or

27 (iii) The juvenile is a threat to community safety; or

28 (iv) The juvenile will intimidate witnesses or otherwise unlawfully
29 interfere with the administration of justice; or

30 (v) The juvenile has committed a crime while another case was
31 pending; or

32 (b) The juvenile is a fugitive from justice; or

33 (c) The juvenile's parole has been suspended or modified; or

34 (d) The juvenile is a material witness.

35 (3) Upon a finding that members of the community have threatened
36 the health of a juvenile taken into custody, at the juvenile's request
37 the court may order continued detention pending further order of the
38 court.

1 (4) Except as provided in RCW 9.41.280, a juvenile detained under
2 this section may be released upon posting a probation bond set by the
3 court. The juvenile's parent or guardian may sign for the probation
4 bond. A court authorizing such a release shall issue an order
5 containing a statement of conditions imposed upon the juvenile and
6 shall set the date of his or her next court appearance. The court
7 shall advise the juvenile of any conditions specified in the order and
8 may at any time amend such an order in order to impose additional or
9 different conditions of release upon the juvenile or to return the
10 juvenile to custody for failing to conform to the conditions imposed.
11 In addition to requiring the juvenile to appear at the next court date,
12 the court may condition the probation bond on the juvenile's compliance
13 with conditions of release. The juvenile's parent or guardian may
14 notify the court that the juvenile has failed to conform to the
15 conditions of release or the provisions in the probation bond. If the
16 parent notifies the court of the juvenile's failure to comply with the
17 probation bond, the court shall notify the surety. As provided in the
18 terms of the bond, the surety shall provide notice to the court of the
19 offender's noncompliance. A juvenile may be released only to a
20 responsible adult or the department of social and health services.
21 Failure to appear on the date scheduled by the court pursuant to this
22 section shall constitute the crime of bail jumping.

23 **Sec. 3.** RCW 28A.600.230 and 1989 c 271 s 246 are each amended to
24 read as follows:

25 (1) A school principal, vice principal, or principal's designee may
26 search a student, the student's possessions, and the student's locker,
27 if the principal, vice principal, or principal's designee has
28 reasonable grounds to suspect that the search will yield evidence of
29 the student's violation of the law or school rules. A search is
30 mandatory if there are reasonable grounds to suspect a student has
31 illegally possessed a firearm in violation of RCW 9.41.280.

32 (2) Except as provided in subsection (3) of this section, the scope
33 of the search is proper if the search is conducted as follows:

34 (a) The methods used are reasonably related to the objectives of
35 the search; and

36 (b) Is not excessively intrusive in light of the age and sex of the
37 student and the nature of the suspected infraction.

1 (3) A principal or vice principal or anyone acting under their
2 direction may not subject a student to a strip search or body cavity
3 search as those terms are defined in RCW 10.79.070.

4 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
5 act, referencing this act by bill or chapter number, is not provided by
6 June 30, 1999, in the omnibus appropriations act, this act is null and
7 void."

8 Correct the title.

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