

HOUSE BILL ANALYSIS

HB 1682

Title: An act relating to promoting school safety.

Brief Description: Promoting school safety.

Sponsors: Representatives Sump, Clements, McMorris, Ballasiotes, Sullivan, Bush, O'Brien, Carrell, Mastin, Dunn, G. Chandler, Haigh, Linville, Mitchell, Schoesler and DeBolt.

Brief Summary of Bill

- Requires school officials to notify law enforcement agencies whenever a person illegally possesses a firearm, or exhibits a mental disorder and certain behavior, on school property.
- Requires a psychological evaluation of such a person to assist in making any decision about pretrial release, or to assess whether such a person should be subject to involuntary commitment for mental health treatment.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

Background:

Incidents of violence in schools in this state and elsewhere have raised concerns about ensuring and promoting school safety. Several laws already in place deal with dangerous weapons in schools and with the confinement and treatment of dangerously mentally ill persons.

Possession of Dangerous Weapons on School Property. With several exceptions, it is a gross misdemeanor under the state's firearms law for a person to possess a firearm or other dangerous weapon on school property. Dangerous weapons other than firearms include brass knuckles, switchblade knives, black-jacks, nun-chu-ka sticks, and pellet guns. Exceptions are provided for law enforcement, security or military personnel, persons involved in firearms or martial arts training or events, and for persons with concealed pistol licenses who are picking up or dropping off students. School officials must promptly report violations of this law to law enforcement agencies and the parents of a student involved. School administrators are also required to report annually to the Superintendent of Public Instruction on the number

of violations of this law. These criminal provisions, exceptions, and reporting requirements apply to public and private elementary and secondary schools.

Under the state's education code, if a student at a public elementary or secondary school possesses a firearm on school property, the student must be expelled for at least one year. However, the superintendent of the school may modify the expulsion.

Mental Health Commitments. Minors or adults may be referred for psychological evaluation and possible voluntary or involuntary treatment of a mental disorder. Under the mental health services for minors law, school officials and others may refer a minor student for inpatient treatment. Under the involuntary commitment law, persons may be involuntarily committed for treatment as well. These laws have procedural requirements for reviewing decisions about treatment and have substantive standards regarding who may be involuntarily detained or committed.

Generally, a person may be subject to these laws if he or she suffers from a "mental disorder" and as a result presents a "likelihood of serious harm."

- A mental disorder is defined as "any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions."
- A likelihood of serious harm is defined as either:
 - Presenting a substantial risk of inflicting physical harm on self or others, or on the property of others, as evidenced by threats or attempts or other behavior; or
 - Threatening the physical safety of another coupled with a history of at least one violent act.

Summary of Bill:

Notification of law enforcement and referral for psychological evaluations are required in cases involving certain persons who exhibit mental disorders or possess dangerous weapons on school grounds.

School officials must notify the appropriate law enforcement agency whenever:

- A person illegally possesses a firearm on school property; or
- There is reason to believe a person suffers from a mental disorder and presents the imminent likelihood of serious harm; and

- The person illegally possesses a dangerous weapon other than a firearm; or
- The person makes an apparently serious attempt or threat to inflict death or great bodily harm on another person.

If the person is arrested as a result of acts that led to notification, the person must be confined, and the court must order a psychological evaluation within 72 hours and must consider the results of the evaluation in deciding about possible pretrial release.

If the person is not arrested, but there is cause to believe he or she suffers from a mental disorder and presents an imminent likelihood of serious harm, the law enforcement agency must deliver the person for evaluation and possible treatment under the mental health services for minors or involuntary commitment laws.

The act is supplemental to all other existing law. No school district or local government is required to pay for evaluations done under the act.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research