

# SENATE BILL REPORT

## SSB 5214

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As Passed Senate, February 10, 1999

**Title:** An act relating to detention of minors who illegally possess firearms on school facilities.

**Brief Description:** Providing for additional investigations when a student is charged with possession of a firearm on school facilities.

**Sponsors:** Senate Committee on Education (originally sponsored by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley).

**Brief History:**

**Committee Activity:** Education: 1/18/99, 2/4/99 [DPS].  
Passed Senate, 2/10/99, 47-0.

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Rasmussen, Sellar and Zarelli.

**Staff:** William Bridges (786-7424)

**Background:** Under current law, it is illegal to possess dangerous weapons on school premises and school-provided transportation. Specific exemptions are provided for military academies, military and law enforcement activities, conventions, educational activities, rifle competitions, and persons licensed to carry concealed pistols who are picking up or dropping off students. A student who illegally possesses a firearm on school premises is subject to expulsion for at least one year, subject to modification by the local school district superintendent.

**Summary of Bill:** Parental Notification for Illegally Possessing Firearm. Upon the arrest of a person under 18 years of age who has illegally possessed a firearm on school premises, the police must contact the person's parent or guardian.

Mental Health and Chemical Dependency Interviews. Upon the arrest of a person under 18 years of age who has illegally possessed a firearm on school premises, the police must immediately refer the person to the county-designated mental health professional. The court may not release the person on probation bond until the person has been interviewed by the mental health professional. If the mental health professional recommends a chemical dependency assessment, then the person must be assessed by a chemical dependency specialist or an approved treatment program. If the mental health evaluator recommends an assessment by a chemical dependency specialist, then the court may not release the person on probation bond until after the assessment.

Detention for Illegally Possessing Firearm. Upon the arrest of a person at least 10 and under 18 years of age who has illegally possessed a firearm on school premises, the police must detain the person for at least 24 hours. Exceptions: (1) those released after a judge finds no probable cause for arrest, or (2) those released on bail after completion of a mental health interview or a chemical dependency assessment or both.

Mandatory Locker Searches. Locker searches are mandatory when school officials have a reasonable belief that a student is illegally possessing a gun on campus.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 1999.

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

**Testimony For:** In many cases, a person who brings a gun to school is calling for help; time is needed to evaluate the person's mental condition so that assistance can be given. This bill is a good step in making that assistance possible. The bill also is a good step in helping to make schools safe. The following suggestions were made: (1) the mental assessment should occur before a person is released; (2) the assessment should include a drug and alcohol component; (3) the provision concerning locker searches is redundant; (4) an earlier provision concerning home searches should not be revived; (5) all dangerous weapons should be treated equally; (6) authorities need to find out if guns are kept at home, and (7) ages for detention and mental health referrals should be uniform.

**Testimony Against:** None.

**Testified:** PRO: Senator McAuliffe, prime sponsor; Denise Fitch, OSPI; John Pope, WA Assn. of School Principals; Dwayne Slate, WA State School Directors' Assn.; Joe Waldron, Citizens Committee for the Right to Keep and Bear Arms, Gun Owners Action League of WA (pro with concerns); Sherri Williams, Public School Employees.

**House Amendment(s):** Detention for Illegally Possessing Firearm. A person must be detained up to 72 hours if the person has been arrested for illegally possessing a firearm on school premises, and the person is at least 12 and not more than 21 years of age. A court may not release the person from detention until a county designated mental health professional (CDMHP) has examined and evaluated the person. However, courts still retain their discretion to release the person at any time after a determination regarding probable cause or on probation bond or bail.

Post-Arrest Notifications by Police. Within 24 hours of arresting a 12 to 21 year old who has illegally possessed a firearm on school premises, the police must refer the person to the CDMHP for an examination and evaluation and contact the person's parent or guardian.

Mental Health Examination and Evaluation. The CDMHP must examine and evaluate the arrested person using the appropriate criteria in the RCW titles concerning mental illness and mental health services for minors. The examinations must occur at the facility where the person is being held or at any other appropriate place if the person has been released on probation bond or bail. Other mental health examinations may be administered while the person is detained or

confined. In addition, the CDMHP may refer the person to the local regional support network for follow-up services or to other services. The CDMHP may also refer the person's family to the appropriate services.

Chemical Dependency Examination and Evaluation. The CDMHP may refer the arrested person to a chemical dependency specialist for examination and evaluation using the criteria in the RCW chapter concerning treatment for alcoholism, intoxication, and drug addiction. The examination may occur at the facility where the person is being held or at any other appropriate place if the person has been released on probation bond or bail.

Results of Mental Health and Chemical Dependency Examinations. The examining CDMHP and chemical dependency specialist must send the results of their examinations to the court. The court must consider the results when making any determinations about the arrested person. To the extent permitted by law, the CDMHP and the chemical dependency specialist must notify the arrested person's parent or guardian that an examination and evaluation have taken place and provide the results of the examination.