

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5214**

56th Legislature  
1999 Regular Session

Passed by the Senate April 20, 1999  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House April 16, 1999  
YEAS 92 NAYS 3

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5214** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5214**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

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

Read first time 02/05/1999.

1            AN ACT Relating to detention of minors who illegally possess  
2 firearms on school facilities; amending RCW 9.41.280, 13.40.040, and  
3 28A.600.230; and creating a new section.

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

5            **Sec. 1.** RCW 9.41.280 and 1996 c 295 s 13 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) Any such person violating subsection (1) of this section is  
5 guilty of a gross misdemeanor. If any person is convicted of a  
6 violation of subsection (1)(a) of this section, the person shall have  
7 his or her concealed pistol license, if any revoked for a period of  
8 three years. Anyone convicted under this subsection is prohibited from  
9 applying for a concealed pistol license for a period of three years.  
10 The court shall send notice of the revocation to the department of  
11 licensing, and the city, town, or county which issued the license.

12 Any violation of subsection (1) of this section by elementary or  
13 secondary school students constitutes grounds for expulsion from the  
14 state's public schools in accordance with RCW 28A.600.010. An  
15 appropriate school authority shall promptly notify law enforcement and  
16 the student's parent or guardian regarding any allegation or indication  
17 of such violation.

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

27 Within twenty-four hours of the arrest, the arresting law  
28 enforcement agency shall refer the person to the county-designated  
29 mental health professional for examination and evaluation under chapter  
30 71.05 or 71.34 RCW and inform a parent or guardian of the person of the  
31 arrest, detention, and examination. The county-designated mental  
32 health professional shall examine and evaluate the person subject to  
33 the provisions of chapter 71.05 or 71.34 RCW. The examination shall  
34 occur at the facility in which the person is detained or confined. If  
35 the person has been released on probation, bond, or bail, the  
36 examination shall occur wherever is appropriate.

37 The county-designated mental health professional may determine  
38 whether to refer the person to the county-designated chemical  
39 dependency specialist for examination and evaluation in accordance with

1 chapter 70.96A RCW. The county-designated chemical dependency  
2 specialist shall examine the person subject to the provisions of  
3 chapter 70.96A RCW. The examination shall occur at the facility in  
4 which the person is detained or confined. If the person has been  
5 released on probation, bond, or bail, the examination shall occur  
6 wherever is appropriate.

7 Upon completion of any examination by the county-designated mental  
8 health professional or the county-designated chemical dependency  
9 specialist, the results of the examination shall be sent to the court,  
10 and the court shall consider those results in making any determination  
11 about the person.

12 The county-designated mental health professional and county-  
13 designated chemical dependency specialist shall, to the extent  
14 permitted by law, notify a parent or guardian of the person that an  
15 examination and evaluation has taken place and the results of the  
16 examination. Nothing in this subsection prohibits the delivery of  
17 additional, appropriate mental health examinations to the person while  
18 the person is detained or confined.

19 If the county-designated mental health professional determines it  
20 is appropriate, the county-designated mental health professional may  
21 refer the person to the local regional support network for follow-up  
22 services or the department of social and health services or other  
23 community providers for other services to the family and individual.

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

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

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

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

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

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

38 (f) Any nonstudent at least eighteen years of age legally in  
39 possession of a firearm or dangerous weapon that is secured within an

1 attended vehicle or concealed from view within a locked unattended  
2 vehicle while conducting legitimate business at the school;

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (i) The juvenile will likely fail to appear for further  
38 proceedings; or

1 (ii) Detention is required to protect the juvenile from himself or  
2 herself; or

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

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

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

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

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

10 (d) The juvenile is a material witness.

11 (3) Upon a finding that members of the community have threatened  
12 the health of a juvenile taken into custody, at the juvenile's request  
13 the court may order continued detention pending further order of the  
14 court.

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

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

1 (1) A school principal, vice principal, or principal's designee may  
2 search a student, the student's possessions, and the student's locker,  
3 if the principal, vice principal, or principal's designee has  
4 reasonable grounds to suspect that the search will yield evidence of  
5 the student's violation of the law or school rules. A search is  
6 mandatory if there are reasonable grounds to suspect a student has  
7 illegally possessed a firearm in violation of RCW 9.41.280.

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

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

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

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

17 NEW SECTION. Sec. 4. If specific funding for the purposes of this  
18 act, referencing this act by bill or chapter number, is not provided by  
19 June 30, 1999, in the omnibus appropriations act, this act is null and  
20 void.

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