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ENGROSSED SUBSTITUTE HOUSE BILL 2137

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State of Washington

57th Legislature

2001 Regular Session

By House Committee on Education (originally sponsored by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley)

Read first time . Referred to Committee on .

1 AN ACT Relating to explosives on school premises; amending RCW  
2 28A.600.420; and prescribing penalties.

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

4 **Sec. 1.** RCW 28A.600.420 and 1997 c 265 s 5 are each amended to  
5 read as follows:

6 (1) Any elementary or secondary school student who is determined to  
7 have carried a firearm or an explosive onto, or to have possessed a  
8 firearm or explosive on, public elementary or secondary school  
9 premises, public school-provided transportation, or areas of facilities  
10 while being used exclusively by public schools, shall be expelled from  
11 school for not less than one year under RCW 28A.600.010. The  
12 superintendent of the school district, educational service district,  
13 state school for the deaf, or state school for the blind may modify the  
14 expulsion of a student on a case-by-case basis.

15 (2)(a) For purposes of this section, "firearm" means a firearm as  
16 defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW  
17 9.41.010.

1        (b) For purposes of this section, "explosive" means an explosive as  
2 defined in RCW 70.74.010, except that "explosive" shall not include  
3 common fireworks as defined in RCW 70.77.126.

4        (3) This section shall be construed in a manner consistent with the  
5 individuals with disabilities education act, 20 U.S.C. Sec. 1401 et  
6 seq.

7        (4) Nothing in this section prevents a public school district,  
8 educational service district, the state school for the deaf, or the  
9 state school for the blind if it has expelled a student from such  
10 student's regular school setting from providing educational services to  
11 the student in an alternative setting.

12        (5) This section does not apply to:

13        (a) Any student while engaged in military education authorized by  
14 school authorities in which rifles are used but not other firearms or  
15 explosives; or

16        (b) Any student while involved in a convention, showing,  
17 demonstration, lecture, or firearms or explosives safety course  
18 authorized by school authorities in which the rifles of collectors or  
19 instructors are handled or displayed but not other firearms or  
20 explosives; or

21        (c) Any student while participating in a rifle competition  
22 authorized by school authorities.

23        (6) A school district may suspend or expel a student for up to one  
24 year subject to subsections (1), (3), (4), and (5) of this section, if  
25 the student acts with malice as defined under RCW 9A.04.110 and  
26 displays an instrument that (~~appeared [appears]~~) appears to be a  
27 firearm or an explosive or explosive device including but not limited  
28 to a bomb, on public elementary or secondary school premises, public  
29 school-provided transportation, or areas of facilities while being used  
30 exclusively by public schools.

31        (7) This section shall not be construed to require suspension or  
32 expulsion for the possession of fireworks on school grounds. As used  
33 in this section, "fireworks" means any fireworks defined in RCW  
34 70.77.126 and determined by the Washington state fire marshal to be  
35 legally possessed by the person in possession of the fireworks.

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