

2SHB 1216 - S AMD 606

By Senator Fortunato

NOT ADOPTED 04/12/2019

1 On page 18, after line 2, insert the following:

2
3 NEW SECTION. **Sec. 17.** According to Article IX of the
4 Washington state Constitution it is the paramount duty of the state
5 to provide for basic education. The legislature finds that pursuant
6 to this duty, basic education requires a safe learning environment.
7 The legislature finds that local school boards are required by
8 federal law to adopt school safety plans and existing public law
9 already allows local school boards to use school resource officers
10 or hire private security officers. The legislature further finds
11 that for some school districts this can be cost-prohibitive. It is
12 the intent of the legislature to provide local school boards
13 additional options to provide for school safety and ensure that
14 Washington state is in compliance with all provisions of the United
15 States Constitution, federal law, and Article I, section 24 of the
16 Washington state Constitution.

17

18 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.
19 320 RCW to read as follows:

20 (1) The board of directors of a school district may adopt a
21 written policy authorizing one or more permanent employees of a
22 school located within the school district to possess firearms on
23 school grounds. The written policy must address:

24 (a) A procedure for implementing the written policy within the
25 school district, including a process for authorizing permanent
26 employees to possess firearms under the written policy and
27 determining that the requirements of the written policy are met;

1 (b) The training and eligibility requirements that apply to
2 permanent employees who are authorized to possess firearms under the
3 written policy. The training and eligibility requirements must
4 include, at a minimum, the requirements of subsection (3) of this
5 section, and may include additional requirements as determined by
6 the board;

7 (c) The number of permanent employees who are authorized to
8 possess firearms at schools within the school district;

9 (d) The types of firearms and ammunition that are allowed on
10 school grounds; and

11 (e) Standards specifying the manner in which firearms must be
12 possessed and stored, and the circumstances under which a firearm
13 may be used. The written policy must require that permanent
14 employees who are authorized to possess firearms must keep the
15 firearm concealed while on school grounds except in circumstances
16 authorized under the written policy.

17 (2) A board that adopts a written policy authorizing permanent
18 employees to possess firearms on school grounds must notify local
19 law enforcement agencies within the school district of the adoption
20 of the policy.

21 (3) A permanent employee is not authorized to possess a firearm
22 on school grounds under this section unless the permanent employee
23 has:

24 (a) Obtained a valid concealed pistol license issued under RCW
25 9.41.070;

26 (b) Successfully completed a firearms training program approved
27 by the criminal justice training commission under section 20 of this
28 act; and

29 (c) Been approved by the board to possess a firearm on school
30 grounds under the written policy.

31 (4) Permanent employees who are authorized under this section to
32 possess firearms on school grounds are responsible for obtaining an
33 approved firearm and ammunition, and paying the costs of the
34 required training program under section 20 of this act. The board

1 may elect to provide reimbursement to permanent employees for these
2 expenses.

3 (5) The school district, the board, and permanent employees who
4 are authorized to possess firearms on school grounds pursuant to a
5 written policy that complies with the requirements of this section
6 are not liable for damages in any action arising from acts or
7 omissions in responding to an incident that threatens the safety or
8 security of the school or its students or employees, other than acts
9 or omissions constituting recklessness or willful or wanton
10 misconduct.

11 (6) For the purposes of this section:

12 (a) "Board" means the board of directors of a school district;

13 (b) "Permanent employee" means a teacher, administrator, or
14 other person under a continuing or renewable employment contract
15 with the school district for a period of not less than one school
16 year, but does not include a person who is in provisional or
17 temporary status; and

18 (c) "School grounds" means elementary or secondary school
19 premises, school-provided transportation, or areas of facilities
20 while being used exclusively by schools.

21

22 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.
23 195 RCW to read as follows:

24 Private schools are authorized to adopt a written policy
25 allowing school employees to possess firearms on school grounds if
26 done in accordance with the standards established in section 18 of
27 this act.

28

29 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.101
30 RCW to read as follows:

31 The commission shall establish a firearms training and education
32 program for permanent employees of school districts authorized to
33 possess firearms on school grounds under section 18 or 19 of this
34 act. The commission shall adopt rules establishing the fees,

1 training requirements, and procedures for obtaining the required
2 training. The fees charged by the commission shall recover the costs
3 incurred by the commission in developing and administering the
4 program.

5
6 NEW SECTION. **Sec. 23.** The sum of twenty-five thousand dollars,
7 or as much thereof as may be necessary, is appropriated for the
8 fiscal year ending June 30, 2019, from the general fund to the
9 Washington state criminal justice training commission for the
10 purposes of section 20 of this act.

11
12 **Sec. 24.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each
13 amended to read as follows:

14 (1) It is unlawful for a person to carry onto, or to possess on,
15 public or private elementary or secondary school premises,
16 school-provided transportation, or areas of facilities while being
17 used exclusively by public or private schools:

18 (a) Any firearm;

19 (b) Any other dangerous weapon as defined in RCW 9.41.250;

20 (c) Any device commonly known as "nun-chu-ka sticks," consisting
21 of two or more lengths of wood, metal, plastic, or similar substance
22 connected with wire, rope, or other means;

23 (d) Any device, commonly known as "throwing stars," which are
24 multipointed, metal objects designed to embed upon impact from any
25 aspect;

26 (e) Any air gun, including any air pistol or air rifle, designed
27 to propel a BB, pellet, or other projectile by the discharge of
28 compressed air, carbon dioxide, or other gas; or

29 (f)(i) Any portable device manufactured to function as a weapon
30 and which is commonly known as a stun gun, including a projectile
31 stun gun which projects wired probes that are attached to the device
32 that emit an electrical charge designed to administer to a person or
33 an animal an electric shock, charge, or impulse; or

34 (ii) Any device, object, or instrument which is used or

1 intended to be used as a weapon with the intent to injure a person
2 by an electric shock, charge, or impulse.

3 (2) Any such person violating subsection (1) of this section is
4 guilty of a gross misdemeanor. If any person is convicted of a
5 violation of subsection (1)(a) of this section, the person shall
6 have his or her concealed pistol license, if any revoked for a
7 period of three years. Anyone convicted under this subsection is
8 prohibited from applying for a concealed pistol license for a period
9 of three years. The court shall send notice of the revocation to the
10 department of licensing, and the city, town, or county which issued
11 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
16 and the student's parent or guardian regarding any allegation or
17 indication 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
21 or adult facility for up to seventy-two hours. The person shall not
22 be released within the seventy-two hours until after the person has
23 been examined and evaluated by the designated crisis responder
24 unless the court in its discretion releases the person sooner after
25 a determination regarding probable cause or on probation bond or bail.

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

3 Upon completion of any examination by the designated crisis
4 responder, the results of the examination shall be sent to the
5 court, and the court shall consider those results in making any
6 determination about the person.

7 The designated crisis responder shall, to the extent permitted
8 by law, notify a parent or guardian of the person that an
9 examination and evaluation has taken place and the results of the
10 examination. Nothing in this subsection prohibits the delivery of
11 additional, appropriate mental health examinations to the person
12 while the person is detained or confined.

13 If the designated crisis responder determines it is appropriate,
14 the designated crisis responder may refer the person to the local
15 behavioral health organization for follow-up services or the
16 (~~department of social and health services~~) health care authority
17 or other community providers for other services to the family and
18 individual.

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

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

22 (b) Any person engaged in military, law enforcement, or school
23 district security activities. However, a person who is not a
24 commissioned law enforcement officer and who provides school
25 security services under the direction of a school administrator may
26 not possess a device listed in subsection (1)(f) of this section
27 unless he or she has successfully completed training in the use of
28 such devices that is equivalent to the training received by
29 commissioned law enforcement officers;

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

34

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

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

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

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

14 (h) Any law enforcement officer of the federal, state, or local
15 government agency; or

16 (i) Any permanent employee who is authorized to possess a
17 firearm on school grounds under section 18 or 19 of this act.

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

22 (5) Subsection (1)(f)(i) of this section does not apply to any
23 person who possesses a device listed in subsection (1)(f)(i) of this
24 section, if the device is possessed and used solely for the purpose
25 approved by a school for use in a school authorized event, lecture,
26 or activity conducted on the school premises.

27 (6) Except as provided in subsection (3)(b), (c), (f), and (h)
28 of this section, firearms are not permitted in a public or private
29 school building.

30 (7) "GUN-FREE ZONE" signs (~~shall~~) may be posted around school
31 facilities giving warning of the prohibition of the possession of
32 firearms on school grounds.

33

34 **2SHB 1216** S AMD

1 By Senator Fortunato

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3 On page 1, line 3 of the title, after "28A.320.126,", insert
"9.41.280"

EFFECT: Allows a school district to adopt a written policy authorizing one or more permanent employees of a school located within the school district to possess firearms on school grounds.

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