

SENATE BILL REPORT

SB 5440

As Reported By Senate Committee On:
Education, February 7, 1995

Title: An act relating to students with firearms on school property.

Brief Description: Requiring expulsion from school for at least one year for possession of a firearm on elementary or secondary school premises.

Sponsors: Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer.

Brief History:

Committee Activity: Education: 2/2/95, 2/7/95 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5440 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Staff: Leslie Goldstein (786-7424)

Background: Congress enacted the Gun Free Schools Act on October 20, 1994, as part of the Improving American's Schools Act of 1994 (the reauthorization of the Elementary and Secondary Education Act of 1964). Under the Gun Free Schools Act, each state must adopt a law requiring school districts to expel students from school for a minimum of one year if a student has a firearm on school grounds. If a state does not adopt the law by October 20, 1995, the state would lose federal funds provided to the state under the Elementary and Secondary Education Act.

Under current Washington State law, a school district is required to expel a student for carrying a firearm onto school grounds for an indefinite period of time. The length of the period of expulsion varies in different school districts.

Summary of Substitute Bill: Students carrying firearms on school grounds must be expelled for a period of one year. The federal definition of firearm is incorporated. However, the superintendent of the school district, educational service district, or state schools for the deaf or blind may modify the term of the expulsion on a case-by-case basis. If the student is expelled, the district may provide alternative educational programs. The requirement that a student be expelled must be interpreted in a manner consistent with the laws governing students with disabilities. Specific exemptions are provided for authorized military education, conventions, courses, or rifle competitions.

Substitute Bill Compared to Original Bill: The language requiring expulsion for one year is removed from the criminal code (Title 9 RCW) and placed in the education code (Title 28A RCW).

The entities that must expel students are clarified. The requirement does not apply to private schools. Educational service districts, the State School for the Deaf, the State School for the Blind, as well as public schools must expel students with firearms.

The federal definition of firearm is incorporated. This definition goes beyond the state definition and includes destructive devices such as bombs, grenades and missiles having a charge of more than one-quarter ounce.

Language is added stating that the requirement that a student be expelled should be interpreted in a manner consistent with the laws governing students with disabilities.

Specific exemptions are provided for authorized military education; conventions or courses; or rifle competitions.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Guns do not belong on school grounds. An increased penalty will promote safety in schools. Students should be expelled for at least a year for bringing guns to school. Expelled students should be provided alternative services.

Testimony Against: A one-year expulsion is too harsh for students who accidentally have an unloaded rifle in a pick-up truck that is parked on school grounds. There should be standards for the superintendent to modify the term of the expulsion to avoid discrimination. In the alternative, if the superintendent can modify the expulsion, current law is not being changed. Sentences should be harsher for repeat offenders.

Testified: Tasha Wischman, Steve Heimann, Mike Chard, ACES High School, Mukilteo; Chris Schmid, Andy Lombardo, Jill Maddy, Cascade High School, Everett; Maria Espinoza, Marissa Venegas, Chad Bodnar, Pasco High School; Jason Worden, Rae Ann Glessner, Allison Endert, Columbia High School; Michael Pedhirney, Nicole Saur, Brittany Liedtke, Eisenhower High School, Yakima; Ty Goodwin, Geoff Creagan, Megan Ryland, Ft. Vancouver High School; Josh Holland, Jamie Britt, Aaron Clark, W.F. West High School, Chehalis; three students from Puyallup High School; Gus Stroegel, Jeff Gaudette, Katie Welch, Ferndale High School; Tim Calrey, Superintendent, Waluke School District.