

2 **SSB 5214** - H COMM AMD **ADOPTED 04/16/99**
3 By Committee on Appropriations

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read
8 as follows:

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

13 (a) Any firearm;

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

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

18 (d) Any device, commonly known as "throwing stars", which are
19 multi-pointed, metal objects designed to embed upon impact from any
20 aspect; or

21 (e) Any air gun, including any air pistol or air rifle, designed to
22 propel a BB, pellet, or other projectile by the discharge of compressed
23 air, carbon dioxide, or other gas.

24 (2) Any such person violating subsection (1) of this section is
25 guilty of a gross misdemeanor. If any person is convicted of a
26 violation of subsection (1)(a) of this section, the person shall have
27 his or her concealed pistol license, if any revoked for a period of
28 three years. Anyone convicted under this subsection is prohibited from
29 applying for a concealed pistol license for a period of three years.
30 The court shall send notice of the revocation to the department of
31 licensing, and the city, town, or county which issued the license.

32 Any violation of subsection (1) of this section by elementary or
33 secondary school students constitutes grounds for expulsion from the
34 state's public schools in accordance with RCW 28A.600.010. An
35 appropriate school authority shall promptly notify law enforcement and

1 the student's parent or guardian regarding any allegation or indication
2 of such violation.

3 Upon the arrest of a person at least ten years of age and not more
4 than twenty years of age for violating subsection (1)(a) of this
5 section, the person shall be detained and confined in a juvenile or
6 adult correctional facility for seventy-two hours, unless the person is
7 released from custody sooner by a court after a determination regarding
8 probable cause or on probation bond. Within forty-eight hours of the
9 arrest, the person shall be evaluated by a psychiatrist or psychologist
10 to determine if the person suffers from a mental disorder and is a
11 threat to himself or herself or others. If the psychiatrist or
12 psychologist so recommends, the person shall also be evaluated for
13 chemical dependency within seventy-two hours of the arrest and in
14 accordance with chapter 70.96A RCW. The results of each evaluation
15 shall be sent immediately to the court, and the court shall consider
16 those results in making any determination about the person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) The juvenile will likely fail to appear for further
31 proceedings; or

32 (ii) Detention is required to protect the juvenile from himself or
33 herself; or

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

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

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

- 1 (b) The juvenile is a fugitive from justice; or
2 (c) The juvenile's parole has been suspended or modified; or
3 (d) The juvenile is a material witness.

4 (3) Upon a finding that members of the community have threatened
5 the health of a juvenile taken into custody, at the juvenile's request
6 the court may order continued detention pending further order of the
7 court.

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

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

32 (1) A school principal, vice principal, or principal's designee may
33 search a student, the student's possessions, and the student's locker,
34 if the principal, vice principal, or principal's designee has
35 reasonable grounds to suspect that the search will yield evidence of
36 the student's violation of the law or school rules. A search is
37 mandatory if there are reasonable grounds to suspect a student has
38 illegally possessed a firearm in violation of RCW 9.41.280.

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

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

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

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

10 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
11 act, referencing this act by bill or chapter number, is not provided by
12 June 30, 1999, in the omnibus appropriations act, this act is null and
13 void."

14 Correct the title.

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