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3 ESHB 2137 - S AMD 372

4 By Senators McAuliffe and Zarelli

5

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

8 "Sec. 1. RCW 9.41.280 and 1999 c 167 s 1 are each amended to read  
9 as follows:

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

14 (a) Any firearm;

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

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

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

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

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

33 Any violation of subsection (1) of this section by elementary or  
34 secondary school students constitutes grounds for expulsion from the  
35 state's public schools in accordance with RCW 28A.600.010. An  
36 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 (~~twelve~~) thirteen years of  
4 age and not more than twenty-one years of age for violating subsection  
5 (1)(a) of this section, the person shall be detained or confined in a  
6 juvenile or adult facility for up to seventy-two hours. The person  
7 shall not be released within the seventy-two hours until after the  
8 person has been examined and evaluated by the (~~county-designated~~  
9 ~~mental health professional~~) person or agency designated by the local  
10 regional support network unless the court in its discretion releases  
11 the person sooner after a determination regarding probable cause or on  
12 probation bond or bail.

13 Within twenty-four hours of the arrest, the arresting law  
14 enforcement agency shall refer the person to the (~~county-designated~~  
15 ~~mental health professional for examination and evaluation under chapter~~  
16 ~~71.05 or 71.34 RCW~~) person or agency designated by the local regional  
17 support network to conduct a mental health examination and evaluation  
18 and inform a parent or guardian of the person of the arrest, detention,  
19 and examination. (~~The county-designated mental health professional~~  
20 ~~shall examine and evaluate the person subject to the provisions of~~  
21 ~~chapter 71.05 or 71.34 RCW.~~) Notification to the parent or guardian  
22 shall occur prior to any examination or evaluation by the person or  
23 agency designated by the local regional support network. The  
24 examination and evaluation shall occur within twenty-four hours of  
25 receiving the referral. The examination shall occur at the facility in  
26 which the person is detained or confined. If the person has been  
27 released on probation(~~(7)~~) bond(~~(7)~~) or bail, the examination shall  
28 occur wherever is appropriate.

29 The (~~county-designated mental health professional~~) person or  
30 agency designated by the local regional support network may, when  
31 appropriate, determine whether to refer the person to the county-  
32 designated mental health professional or the county-designated chemical  
33 dependency specialist for examination and evaluation for commitment  
34 proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW.  
35 When a referral is made by the person or agency designated by the local  
36 regional support network, the county-designated mental health  
37 professional or the county-designated chemical dependency specialist  
38 shall examine the person subject to the provisions of chapter 71.05,  
39 71.34, or 70.96A RCW within twenty-four hours of receiving the

1 referral. The examination shall occur at the facility in which the  
2 person is detained or confined. If the person has been released on  
3 probation(~~(7)~~) bond(~~(7)~~) or bail, the examination shall occur wherever  
4 is appropriate.

5 Upon completion of any examination by the person or agency  
6 designated by the local regional support network, the county-designated  
7 mental health professional, or the county-designated chemical  
8 dependency specialist, the results of the examination shall be sent to  
9 the court with jurisdiction, the school, the parents, and to the person  
10 if eighteen years of age or older, and the court shall consider those  
11 results in making any determination about the person. However, any  
12 reference in the examination report or reports to facts or  
13 circumstances of the alleged acts which resulted in the arrest of the  
14 person shall not be admissible in any criminal or juvenile proceeding  
15 if the person was unrepresented by counsel at the time of the  
16 examination, or had not been arraigned prior to the examination.

17 The person or agency designated by the local regional support  
18 network, the county-designated mental health professional, and the  
19 county-designated chemical dependency specialist shall~~((7 to the extent~~  
20 ~~permitted by law,7))~~ notify a parent or guardian of the person, if the  
21 person is under the age of eighteen, that an examination and evaluation  
22 has taken place and the results of the examination. Nothing in this  
23 subsection prohibits the delivery of additional, appropriate mental  
24 health examinations to the person while the person is detained or  
25 confined.

26 If the ~~((county-designated mental health professional))~~ person or  
27 agency designated by the local regional support network determines it  
28 is appropriate, the ~~((county-designated mental health professional))~~  
29 person or agency designated by the local regional support network may  
30 refer the person to the local regional support network for follow-up  
31 services or the department of social and health services or other  
32 community providers for other services to the family and individual.

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

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

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

38 (c) Any person who is involved in a convention, showing,  
39 demonstration, lecture, or firearms safety course authorized by school

1 authorities in which the firearms of collectors or instructors are  
2 handled or displayed;

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

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.61 RCW  
28 to read as follows:

29 Upon the arrest of a person at least thirteen years of age and not  
30 more than twenty-one years of age for violating RCW 9.61.160 by making  
31 a threat to bomb, on public or private elementary or secondary school  
32 premises, school provided transportation, or areas of facilities while  
33 being used exclusively by public or private schools, the person shall  
34 be detained or confined in a juvenile or adult facility for up to  
35 seventy-two hours. The person shall not be released within the  
36 seventy-two hours until after the person has been examined and  
37 evaluated by the person or agency designated by the local regional  
38 support network unless the court in its discretion releases the person

1 sooner after a determination regarding probable cause or on probation  
2 bond or bail.

3       Within twenty-four hours of the arrest, the arresting law  
4 enforcement agency shall refer the person to the person or agency  
5 designated by the local regional support network to conduct a mental  
6 health examination and evaluation and inform a parent or guardian of  
7 the person of the arrest, detention, and examination. Notification to  
8 the parent or guardian shall occur prior to any examination or  
9 evaluation by the person or agency designated by the local regional  
10 support network. The examination and evaluation shall occur within  
11 twenty-four hours of receiving the referral. The examination shall  
12 occur at the facility in which the person is detained or confined. If  
13 the person has been released on probation bond or bail, the examination  
14 shall occur wherever is appropriate.

15       The person or agency designated by the local regional support  
16 network may, when appropriate, determine whether to refer the person to  
17 the county-designated mental health professional or the county-  
18 designated chemical dependency specialist for examination and  
19 evaluation for commitment proceedings in accordance with chapter 71.05,  
20 71.34, or 70.96A RCW. When a referral is made by the person or agency  
21 designated by the local regional support network, the county-designated  
22 mental health professional or the county-designated chemical dependency  
23 specialist shall examine the person subject to the provisions of  
24 chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of  
25 receiving the referral. The examination shall occur at the facility in  
26 which the person is detained or confined. If the person has been  
27 released on probation bond or bail, the examination shall occur  
28 wherever is appropriate.

29       Upon completion of any examination by the person or agency  
30 designated by the local regional support network, the county-designated  
31 mental health professional, or the county-designated chemical  
32 dependency specialist, the results of the examination shall be sent to  
33 the court with jurisdiction, the school, the parents, and to the person  
34 if eighteen years of age or older, and the court shall consider those  
35 results in making any determination about the person. However, any  
36 reference in the examination report or reports to facts or  
37 circumstances of the alleged acts which resulted in the arrest of the  
38 person shall not be admissible in any criminal or juvenile proceeding

1 if the person was unrepresented by counsel at the time of the  
2 examination, or had not been arraigned prior to the examination.

3 The person or agency designated by the local regional support  
4 network, the county-designated mental health professional, and the  
5 county-designated chemical dependency specialist shall notify a parent  
6 or guardian of the person, if the person is under the age of eighteen,  
7 that an examination and evaluation has taken place and the results of  
8 the examination. Nothing in this section prohibits the delivery of  
9 additional, appropriate mental health examinations to the person while  
10 the person is detained or confined.

11 If the person or agency designated by the local regional support  
12 network determines it is appropriate, the person or agency designated  
13 by the local regional support network may refer the person to the local  
14 regional support network for follow-up services or the department of  
15 social and health services or other community providers for other  
16 services to the family and individual."

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18 By Senators McAuliffe and Zarelli

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20 On page 1, line 1 of the title, after "premises;" strike the  
21 remainder of the title and insert "amending RCW 9.41.280; and adding a  
22 new section to chapter 9.61 RCW."

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