

SENATE BILL REPORT

SB 6620

As Reported by Senate Committee On:
Ways & Means, March 1, 2018

Title: An act relating to improving security in schools and the safety of students by: Creating a grant program for school districts to implement emergency response systems.

Brief Description: Improving security in schools and the safety of students.

Sponsors: Senators Frockt, Ranker, Kuderer, Dhingra, Carlyle, Darneille, McCoy, Keiser, Billig, Hunt, Saldaña and Pedersen.

Brief History:

Committee Activity: Ways & Means: 2/27/18, 3/01/18 [DPS, DNP].

Brief Summary of First Substitute Bill

- Addresses school safety in a number of ways including implementing an emergency response system, establishing an anonymous reporting system, expanding regional school safety efforts, and facilitating school resource officers.
- Prohibits the sale or transfer of a semiautomatic rifle unless both a federal and a state background check have been completed through law enforcement.
- Prohibits a person under the age of 21 from purchasing a semiautomatic rifle.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6620 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Brown, Schoesler, Wagoner and Warnick.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Amanda Cecil (786-7460), Shani Bauer (786-7468)

Background: School Safety Programs. Emergency Response Systems. Current law directs the Office of the Superintendent of Public Instruction (OSPI) to allocate grants to school districts on a competitive basis for the purposes of implementing emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at school.

In 2013, the Legislature appropriated \$10 million in the capital budget, which was reduced to \$6.6 million in 2015, for these grants. Eighty school districts received grants.

School Mapping. The Washington Association of Sheriffs and Police Chiefs (WASPC) must operate a statewide mapping information system when funded. The mapping system provides information to emergency first responders such as floor plans and known hazards.

Safe School Plans. Current law requires school districts to adopt and implement safe school plans. The plans must contain specified information. To the extent funds are available, school districts must annually review and update safe school plans. Safe school plans must be consistent with the school mapping information system.

State School Safety Center. The Legislature first established a state School Safety Center within OSPI in the 2001-02 budget. The School Safety Center's requirements include disseminating successful models of school safety plans, providing assistance to schools to establish a comprehensive safe school plan, coordinating activities relating to school safety, and maintaining a school safety information website.

Annual School Safety Summit. OSPI and the School Safety Advisory Committee must hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meets local needs. Summit participants must include four legislative members and a representative appointed by the Governor and may include other specified participants.

Regional School Safety and Security Programs. In 2016, the Legislature enacted ESB 6620, which allowed Educational Service Districts (ESDs) to implement a regional school safety and security program subject to appropriations.

To date, the program has not received funding from the Legislature.

School Resource Officers. This type of officer is not currently defined in state law. According to OSPI's website, a school resource officer is a commissioned law enforcement officer with sworn authority to make arrests.

Possession and Transfer of Firearms. Both federal and state law regulate the possession and transfer of firearms. Firearm dealers (dealers) are required to have licenses in order to sell firearms. Under state law, a dealer includes anyone engaged in the business of selling firearms who has, or is required to have, a federal dealer's license.

Federal Background Check Requirements. Under the federal Brady Handgun Violence Prevention Act, a dealer must, with few exceptions, conduct a background check for all firearm sales or transfers to private persons to determine whether the purchaser is prohibited from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS).

State Background Check Requirements. All firearm sales or transfers are subject to background checks unless specifically exempted by federal or state law, including sales and transfers through a dealer, at gun shows, online, and between private persons. A pistol purchaser must undergo a state background check in addition to the NICS check required by federal law. A state background check includes a check of the Washington State Patrol databases, the Department of Licensing (DOL) firearms database, and state and local mental health agencies.

A dealer may not deliver a firearm to a purchaser or transferee until the earlier of (1) the completion of all required background checks if the purchaser or transferee is not ineligible to possess a firearm; or (2) ten business days have passed since the dealer requested the background check, although a longer period may apply with respect to certain pistol transfers.

Pistol Transfers by Dealers. Specific requirements apply to pistol transfers by a dealer. A dealer may not deliver a pistol to a purchaser until one of the following occurs:

- the purchaser produces a valid Concealed Pistol License (CPL);
- the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess the firearm and the application is approved; or
- ten business days have elapsed since the application was received by the law enforcement agency, or up to 60 days if the person does not have a Washington driver's license or identification card or has not resided in the state for the previous 90 days.

The dealer must hold delivery of a pistol beyond these time periods if the applicant has an outstanding arrest warrant or the law enforcement agency has notified the dealer of an investigative hold.

An application for a pistol purchase must include identifying information of the applicant and a description of the pistol, including the make, model, and manufacturer's number. A signed application constitutes a waiver of confidentiality for purposes of release of information by mental health facilities and providers upon request of a law enforcement agency to determine the applicant's eligibility to possess firearms. A record of the pistol transfer must be retained by the dealer for six years, a copy of which must be submitted to DOL, which maintains this information in its firearms database.

Transfers Between Private Persons. Any sale or transfer of a firearm where neither party is a dealer must be completed through a dealer. The purchaser or transferee must complete and sign all federal, state, and local forms needed for processing the background check. The dealer must process the transaction by complying with all federal and state laws that would apply if the dealer were selling or transferring the firearm from the dealer's inventory.

Transfers of Rifles and Shotguns. Under federal law, a dealer must conduct a NICS check for any transfer of a rifle or shotgun to a private person. There is no requirement for a state background check by local law enforcement for these transfers. Non-residents may purchase rifles and shotguns in Washington, and Washington residents may purchase rifles and shotguns in another state, as long as the transaction complies with federal law and the purchaser is eligible to purchase or possess the firearm under the laws of Washington and the other state.

Persons Under Age 21. A dealer may not sell a handgun to a person under the age of 21 or a long gun to a person under the age of 18. State law also prohibits a person between the ages of 18 and 21 from possessing a pistol. There are several exceptions to the prohibition against possessing a pistol, including:

- possession of the firearm on the person's private property;
- hunting or trapping under a valid license;
- engaging in an organized competition involving the use of a firearm; or
- the person is a member of the armed forces, while on duty.

Summary of Bill (First Substitute): Part I - School Emergency Response System and Notification. Subject to amounts appropriated, WASPC must develop and implement emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. The system must be consistent with school building requirements and the mapping system.

Whenever a first responder agency notifies a school of a situation which may necessitate an evacuation or lockdown, the agency must also determine if other schools in the vicinity are similarly threatened and must notify every other school in the vicinity for which an evacuation or lockdown appears reasonably necessary.

Part II - Students Protecting Students. By May 1, 2018, school districts must report information about incident alert and reporting systems that they are using. OSPI must compile the district information and report it to the Legislature by June 1, 2018.

Subject to amounts appropriated, OSPI must contract with a vendor to make available to public schools an incident alert and reporting system with certain features, named the Students Protecting Students program.

Beginning in the 2019-20 school year, school districts must implement the Students Protecting Students program in middle or junior high schools and high schools. If a school district is unable to implement the program, they must submit an implementation plan to OSPI.

Part III - Regional School Safety. Subject to amounts appropriated, two ESDs must establish regional school safety centers as part of a statewide network. One of the regional school safety centers must be located east of the Cascade Mountains and one to the west. The purpose of this statewide network is to provide regional coordination of school safety efforts and resources related to behavioral health threat assessment and suicide prevention.

OSPI, in coordination with ESDs, will review safe schools plans for all school districts and ESDs to assess and document school district and regional school safety assets and needs.

OSPI must provide grants to ESDs and school districts to develop or expand regional safety programs to address student safety.

By November 1, 2019, OPSI must report to the Legislature on the results of the statewide review of safe schools plans and on the activities, progress, and recommendations of the grant receipts.

The statute allowing ESDs to implement a regional school safety and security program is repealed.

Part IV - Facilitating School Resource Officers. Subject to amounts appropriated, WASPC must establish and implement a grant program to fund school resource officers. Grants must be awarded to proposals submitted jointly between local law enforcement agencies and public school entities. WASPC must submit an annual report on the use of funds by December 1 of each year.

Part V - Annual School Safety Summit. Summit participants must take into account the discrete challenges of nonrural and rural schools, review Sandy Hook promise programs, and make recommendations for the prevention of mass shootings at schools. Summit participants may include the Criminal Justice Training Commission and private schools.

Part VI - Semiautomatic Rifles. A semiautomatic rifle is defined as a rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

A dealer may not deliver a semiautomatic rifle to a purchaser until one of the following occurs:

- the purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's information and completed the required background check;
- the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess the firearm and the application is approved; or
- ten business days have elapsed since the application was received by the law enforcement agency, or up to 60 days if the person does not have a Washington driver's license or identification card or has not resided in the state for the previous 90 days.

Other procedural requirements that apply to the sale or transfer of a pistol, also apply to the sale or transfer of a semiautomatic rifle:

- an application for purchase must include identifying information of the applicant and a description of the firearm;
- a signed application constitutes a waiver of confidentiality for purposes of release of information;
- a record of the firearm transfer must be retained by the dealer for six years;
- any sale or transfer where neither party is a dealer must be completed through a dealer; and

- a person under 21 years of age may not purchase a semiautomatic rifle.

Unlike the application for purchase of a pistol, a copy of the application to purchase a semiautomatic rifle is not forwarded to DOL and DOL is not authorized to keep purchase information in its database. Nothing in the provisions prohibiting purchase of a semiautomatic rifle are intended to prohibit a person under the age of 21 from possessing a semiautomatic rifle.

The license fee for a firearm dealer license is increased from \$125 a year to \$150.

Subject to the availability of amounts appropriated, the WASPC must establish a grant program for local law enforcement agencies to conduct background checks for the purchase and sale of pistols and semiautomatic rifles and shotguns with tactical features. WASPC may retain up to 3 percent of the amounts provided for the cost of administration.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Replaces Part I and directs WASPC to develop and implement emergency response systems, rather than allocating grants to schools districts, and requires first responder agencies to notify schools in the vicinity if there is a situation for which an evacuation or lockdown appears reasonably necessary.
- Replaces Part II and requires OSPI to administer the Students Protecting Students program with certain features and requires school districts to report on the types of incident alert and reporting systems they are currently using and to implement the new program beginning in the 2019-20 school year.
- Adds Part III—regional school safety, Part IV—facilitating school resource officers, and Part V—annual school safety summit.
- Defines semiautomatic rifle and removes the definition of semiautomatic rifle or shotgun with tactical features, including all references to tactical features.
- Replaces references to "semiautomatic rifle or shotgun with tactical features" with "semiautomatic rifle" throughout the bill.
- Removes language prohibiting a person under 21 years of age from possessing a semiautomatic rifle except on private property and specifically states that the new provisions do not prohibit a person under 21 years of age from possessing a semiautomatic rifle as otherwise authorized by law.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 1, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed except Part II contains an emergency clause and takes effect immediately

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Regional support capacity and

preventing violence and should be expanded. Tactical firearms share features specifically designed to allow a shooter to engage in rapid fire. It is surprising how devastating rapid fire can be. Tactical, means of or relating to military tactics. The specific design features of these weapons allow for rapid fire with more accuracy. The Mukilteo school shooting which took the lives of several young people, was caused by an angry jealous young man with easy access to an AR-15. If this bill were in effect, the Mukilteo shooting would not have happened as it did and in all likelihood fewer lives would have been lost. It is long overdue to send the message that lives are worth more than allowing people access to easily accessible assault weapons. Unlike past generations, students are anxious to graduate so that they are no longer a target for a mass shooting. This is a common sense but crucial step to make sure that all students make it to graduation. This is not just about feeling safe, but also about needing to be safe. Weapons of war should not be handed willingly to a high school senior. There is nothing marginal about those killed in Mukilteo or Parkland or at other mass shootings. Semi-automatic weapons should be treated the same as handguns. We can be strong for that community and for the communities that will face the prospect of a mass shooting. Honor those dead children by giving life to this bill. This bill invests in stronger background checks for assault weapons that will help prevent senseless deaths. It is easier to get an assault weapon than it is to get a handgun. An assault weapon with a bump stock and a high capacity magazine facilitates killing. There is no place in society for weapons of this nature. The impacts of gun deaths are devastating and affect survivors for their entire life. Other school safety bills should be included in this legislation. Raising the age limit to purchase AR weapons is consistent with what we now know about how the brain develops. Brain development around impulse control is not fully developed until a person is in their early 20s. This bill will reduce the number and severity of school shootings. The school in Lacey was lucky because no one was shot and that shooter did not have a semi-automatic weapon. Not every teen is typical and those are the teens that you should consider with this bill. This bill sends a big message that you care for our youth.

CON: The NRA supports measures to improve school security and efforts to prevent dangerous criminals and the mentally ill from obtaining firearms but opposes part three of the bill. This bill targets some of the most commonly owned firearms and targets an entire segment of the adult population from owning a commonly owned firearm. Federal and state law already prohibits persons under age 21 from purchasing handguns. This prohibits an entire segment of the population from exercising their right to self-defense. Violent crimes are overwhelmingly committed with handguns. Of the 1100 crimes committed with handguns, 50 were committed with the type that is prohibited by this legislation. This strips civil rights from people who qualify for the draft. You should consider the majority case and not the marginal one when making policy. This removes the rights of certain citizens. Evidence shows that a waiting period does not have an impact on the crime rate. This bill creates a circular reference between state and federal law. The impacts of this bill are unpredictable. The reality of the modern gun market makes it such that most guns are considered semi-automatic. This is a gun bill that is improperly comingled with a school safety bill. This bill will do nothing to reduce crime. Rifles are rarely used in crimes and more people are killed with kitchen knives and baseball bats than with rifles. More people die in texting while driving accidents than are killed in school shootings. Gun control is a false promise by regulating an inanimate object and not addressing personal responsibility. Hiding gun control in a school safety bill is wrong. School safety should not be held hostage over gun control measures. These are popular and common use firearms and

the modifications do not make these weapons more or less deadly. It is our constitutional right as Americans and Washingtonians to own deadly weapons.

OTHER: Keeping kids safe is the most important job of the state. Much of the work has been done based on prior legislative efforts to build a school safety network and this supports that work. This program facilitates coordination of funding and first responders. Schools need adequate staffing to support school safety programs.

Persons Testifying: PRO: Matthew Thomas, Attorney General's Office; Paul Kramer, citizen; Johna Munsen, citizen; Adam Cornell, Snohomish County Prosecuting Attorney; Beatrice Seaward, citizen; Jim Parsons, citizen; Nyla Fritz, citizen; Julian Ayer, citizen; Brady Olson, citizen; Thomas Duhamel, citizen; Sandy Brown, citizen; Greg Lynch, Educational Service District 114; Melissa Gombosky, Association of Educational Service Districts; Martin Mueller, Office of the Superintendent of Public Instruction.

CON: Thomas Oster, Nome; Ira Moser, citizen; Brett Bass, citizen, Bellevue Gun Club; Art Giddings, SKT Research & Industries, Canabalistic, FNRL, WAC, NRA, Front Sight Firearms; Ian Dunleavy, citizen; William Burris, Gun Owners Action League; Roy Lin, citizen; Keely Hopkins, National Rifle Association.

OTHER: Steve Stracha, Washington Association of Sheriffs & Police Chiefs; Jessica Vavrus, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: PRO: Anna Justen, citizen; Kelly Bernado, citizen; Kimi Nolte, citizen; Pat Griffith, League of Women Voters; Nora Carlson, citizen; Tim Whitters, citizen; John Kennedy, citizen; Lena Sullivan, citizen; Diane Studley, citizen; Tom Quigley, citizen; Elizabeth Hirotaka, citizen; Roz Thompson, Association of Washington School Principals; Thomas Quigley, citizen; Alex Hur, Clear Risk Solutions; Anne Siems, citizen.

OTHER: Charlie Brown, Venuetize.