
HOUSE BILL 3008

State of Washington

65th Legislature

2018 Regular Session

By Representatives Pike, Shea, Walsh, Taylor, Dent, Condotta,
McCaslin, Hargrove, Holy, and Chandler

Read first time 03/01/18. Referred to Committee on Judiciary.

1 AN ACT Relating to allowing public school districts and private
2 schools to adopt a policy authorizing permanent employees to possess
3 firearms on school grounds under certain conditions; amending RCW
4 9.41.280 and 9.41.280; adding a new section to chapter 28A.320 RCW;
5 adding a new section to chapter 28A.195 RCW; adding a new section to
6 chapter 43.101 RCW; creating new sections; making an appropriation;
7 providing an effective date; providing an expiration date; and
8 declaring an emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** This act may be known and cited as the
11 safer schools act of 2018.

12 NEW SECTION. **Sec. 2.** According to Article IX of the Washington
13 state Constitution it is the paramount duty of the state to provide
14 for basic education. The legislature finds that pursuant to this
15 duty, basic education requires a safe learning environment. The
16 legislature finds that local school boards are required by federal
17 law to adopt school safety plans and existing public law already
18 allows local school boards to use school resource officers or hire
19 private security officers. The legislature further finds that for
20 some school districts this can be cost-prohibitive. It is the intent

1 of the legislature to provide local school boards additional options
2 to provide for school safety and ensure that Washington state is in
3 compliance with all provisions of the United States Constitution,
4 federal law, and Article I, section 24 of the Washington state
5 Constitution.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
7 RCW to read as follows:

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

12 (a) A procedure for implementing the written policy within the
13 school district, including a process for authorizing permanent
14 employees to possess firearms under the written policy and
15 determining that the requirements of the written policy are met;

16 (b) The training and eligibility requirements that will apply to
17 permanent employees who are authorized to possess firearms under the
18 written policy. The training and eligibility requirements must
19 include, at a minimum, the requirements of subsection (3) of this
20 section, and may include additional requirements as determined by the
21 board;

22 (c) The number of permanent employees who will be authorized to
23 possess firearms at schools within the school district;

24 (d) The types of firearms and ammunition that may be possessed on
25 school grounds; and

26 (e) Standards specifying the manner in which firearms shall be
27 possessed and stored, and the circumstances under which a firearm may
28 be used. The written policy shall require that permanent employees
29 who are authorized to possess firearms must keep the firearm
30 concealed while on school grounds except in circumstances authorized
31 under the written policy.

32 (2) A board that adopts a written policy authorizing permanent
33 employees to possess firearms on school grounds must notify local law
34 enforcement agencies within the school district of the adoption of
35 the policy.

36 (3) A permanent employee is not authorized to possess a firearm
37 on school grounds under this section unless the permanent employee
38 has:

1 (a) Obtained a valid concealed pistol license issued under RCW
2 9.41.070;

3 (b) Successfully completed a firearms training program approved
4 by the criminal justice training commission under section 5 of this
5 act; and

6 (c) Been approved by the board as authorized to possess a firearm
7 on school grounds under the written policy.

8 (4) Permanent employees who are authorized under this section to
9 possess firearms on school grounds are responsible for obtaining an
10 approved firearm and ammunition, and paying the costs of the required
11 training program under section 5 of this act. The board may elect to
12 provide reimbursement to permanent employees for these expenses.

13 (5) The school district, the board, and permanent employees who
14 are authorized to possess firearms on school grounds pursuant to a
15 written policy that complies with the requirements of this section
16 are not liable for damages in any action arising from acts or
17 omissions in responding to an incident that threatens the safety or
18 security of the school or its students or employees, other than acts
19 or omissions constituting recklessness or willful or wanton
20 misconduct.

21 (6) For the purposes of this section:

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

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

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.195
32 RCW to read as follows:

33 Private schools are authorized to adopt a written policy allowing
34 school employees to possess firearms on school grounds if done in
35 accordance with the standards established in section 3 of this act.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101
37 RCW to read as follows:

1 The commission shall establish a firearms training and education
2 program for permanent employees of school districts authorized to
3 possess firearms on school grounds under section 3 or 4 of this act.
4 The commission shall adopt rules establishing the fees, training
5 requirements, and procedures for obtaining the required training. The
6 fees charged by the commission shall recover the costs incurred by
7 the commission in developing and administering the program.

8 NEW SECTION. **Sec. 6.** The sum of twenty-five thousand dollars,
9 or as much thereof as may be necessary, is appropriated for the
10 fiscal year ending June 30, 2018, from the general fund to the
11 Washington state criminal justice training commission for the
12 purposes of section 5 of this act.

13 **Sec. 7.** RCW 9.41.280 and 2014 c 225 s 56 are each amended to
14 read as follows:

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

19 (a) Any firearm;

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

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

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

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

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

35 (ii) Any device, object, or instrument which is used or intended
36 to be used as a weapon with the intent to injure a person by an
37 electric shock, charge, or impulse.

1 (2) Any such person violating subsection (1) of this section is
2 guilty of a gross misdemeanor. If any person is convicted of a
3 violation of subsection (1)(a) of this section, the person shall have
4 his or her concealed pistol license, if any revoked for a period of
5 three years. Anyone convicted under this subsection is prohibited
6 from applying for a concealed pistol license for a period of three
7 years. The court shall send notice of the revocation to the
8 department of licensing, and the city, town, or county which issued
9 the license.

10 Any violation of subsection (1) of this section by elementary or
11 secondary school students constitutes grounds for expulsion from the
12 state's public schools in accordance with RCW 28A.600.010. An
13 appropriate school authority shall promptly notify law enforcement
14 and the student's parent or guardian regarding any allegation or
15 indication of such violation.

16 Upon the arrest of a person at least twelve years of age and not
17 more than twenty-one years of age for violating subsection (1)(a) of
18 this section, the person shall be detained or confined in a juvenile
19 or adult facility for up to seventy-two hours. The person shall not
20 be released within the seventy-two hours until after the person has
21 been examined and evaluated by the designated mental health
22 professional unless the court in its discretion releases the person
23 sooner after a determination regarding probable cause or on probation
24 bond or bail.

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

35 The designated mental health professional may determine whether
36 to refer the person to the county-designated chemical dependency
37 specialist for examination and evaluation in accordance with chapter
38 70.96A RCW. The county-designated chemical dependency specialist
39 shall examine the person subject to the provisions of chapter 70.96A
40 RCW. The examination shall occur at the facility in which the person

1 is detained or confined. If the person has been released on
2 probation, bond, or bail, the examination shall occur wherever is
3 appropriate.

4 Upon completion of any examination by the designated mental
5 health professional or the county-designated chemical dependency
6 specialist, the results of the examination shall be sent to the
7 court, and the court shall consider those results in making any
8 determination about the person.

9 The designated mental health professional and county-designated
10 chemical dependency specialist shall, to the extent permitted by law,
11 notify a parent or guardian of the person that an examination and
12 evaluation has taken place and the results of the examination.
13 Nothing in this subsection prohibits the delivery of additional,
14 appropriate mental health examinations to the person while the person
15 is detained or confined.

16 If the designated mental health professional determines it is
17 appropriate, the designated mental health professional may refer the
18 person to the local behavioral health organization for follow-up
19 services or the department of social and health services or other
20 community providers for other services to the family and individual.

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

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

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

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

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

38 (e) Any person in possession of a pistol who has been issued a
39 license under RCW 9.41.070, or is exempt from the licensing

1 requirement by RCW 9.41.060, while picking up or dropping off a
2 student;

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

7 (g) Any nonstudent at least eighteen years of age who is in
8 lawful possession of an unloaded firearm, secured in a vehicle while
9 conducting legitimate business at the school; (~~(e)~~)

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

12 (i) Any permanent employee who is authorized to possess a firearm
13 on school grounds under section 3 or 4 of this act.

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

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

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

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

29 **Sec. 8.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended
30 to read as follows:

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

35 (a) Any firearm;

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

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

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

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

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

12 (ii) Any device, object, or instrument which is used or intended
13 to be used as a weapon with the intent to injure a person by an
14 electric shock, charge, or impulse.

15 (2) Any such person violating subsection (1) of this section is
16 guilty of a gross misdemeanor. If any person is convicted of a
17 violation of subsection (1)(a) of this section, the person shall have
18 his or her concealed pistol license, if any revoked for a period of
19 three years. Anyone convicted under this subsection is prohibited
20 from applying for a concealed pistol license for a period of three
21 years. The court shall send notice of the revocation to the
22 department of licensing, and the city, town, or county which issued
23 the license.

24 Any violation of subsection (1) of this section by elementary or
25 secondary school students constitutes grounds for expulsion from the
26 state's public schools in accordance with RCW 28A.600.010. An
27 appropriate school authority shall promptly notify law enforcement
28 and the student's parent or guardian regarding any allegation or
29 indication of such violation.

30 Upon the arrest of a person at least twelve years of age and not
31 more than twenty-one years of age for violating subsection (1)(a) of
32 this section, the person shall be detained or confined in a juvenile
33 or adult facility for up to seventy-two hours. The person shall not
34 be released within the seventy-two hours until after the person has
35 been examined and evaluated by the designated crisis responder unless
36 the court in its discretion releases the person sooner after a
37 determination regarding probable cause or on probation bond or bail.

38 Within twenty-four hours of the arrest, the arresting law
39 enforcement agency shall refer the person to the designated crisis
40 responder for examination and evaluation under chapter 71.05 or 71.34

1 RCW and inform a parent or guardian of the person of the arrest,
2 detention, and examination. The designated crisis responder shall
3 examine and evaluate the person subject to the provisions of chapter
4 71.05 or 71.34 RCW. The examination shall occur at the facility in
5 which the person is detained or confined. If the person has been
6 released on probation, bond, or bail, the examination shall occur
7 wherever is appropriate.

8 Upon completion of any examination by the designated crisis
9 responder, the results of the examination shall be sent to the court,
10 and the court shall consider those results in making any
11 determination about the person.

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

18 If the designated crisis responder determines it is appropriate,
19 the designated crisis responder may refer the person to the local
20 behavioral health organization for follow-up services or the
21 department of social and health services or other community providers
22 for other services to the family and individual.

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

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

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

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

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

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

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

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

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

14 (i) Any permanent employee who is authorized to possess a firearm
15 on school grounds under section 3 or 4 of this act.

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

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

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

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

31 NEW SECTION. Sec. 9. Section 7 of this act expires April 1,
32 2018.

33 NEW SECTION. Sec. 10. Section 8 of this act takes effect April
34 1, 2018.

35 NEW SECTION. Sec. 11. Except for section 8 of this act, this
36 act is necessary for the immediate preservation of the public peace,

1 health, or safety, or support of the state government and its
2 existing public institutions, and takes effect immediately.

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