

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5307

53rd Legislature
1993 Regular Session

Passed by the Senate April 20, 1993
YEAS 43 NAYS 4

President of the Senate

Passed by the House April 15, 1993
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5307** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5307

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Education (originally sponsored by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Read first time 02/24/93.

1 AN ACT Relating to student safety and discipline; amending RCW
2 9.41.280, 28A.635.060, and 10.31.100; adding a new section to chapter
3 28A.320 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.280 and 1989 c 219 s 1 are each amended to read
6 as follows:

7 (1) It is unlawful for (~~(an elementary or secondary school student~~
8 ~~under the age of twenty-one knowingly)~~) a person to carry onto public
9 or private elementary or secondary school premises, school-provided
10 transportation, or areas of facilities while being used exclusively by
11 public or private schools:

12 (a) Any firearm; or

13 (b) Any dangerous weapon as defined in RCW 9.41.250; or

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

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

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

4 (2) Any such ~~((student))~~ person violating subsection (1) of this
5 section is guilty of a gross misdemeanor.

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

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

15 (a) Any student or employee of a private military academy when on
16 the property of the academy; ~~((or))~~

17 (b) Any ~~((student))~~ person engaged in military, law enforcement, or
18 school district security activities~~((, sponsored by the federal or~~
19 ~~state governments while engaged in official duties))~~; ~~((or))~~

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

24 (d) Any ~~((student))~~ person who possesses nun-chu-ka sticks,
25 throwing stars, or other dangerous weapons to be used in martial arts
26 classes authorized to be conducted on the school premises; ~~((or))~~

27 (e) Any ~~((student))~~ person while the ~~((student))~~ person is
28 participating in a firearms or air gun competition approved by the
29 school or school district;

30 (f) Any person who has been issued a license under RCW 9.41.070,
31 while picking up or dropping off a student;

32 (g) Any person legally in possession of a firearm or dangerous
33 weapon that is secured within an attended vehicle or concealed from
34 view within a locked unattended vehicle while conducting legitimate
35 business at the school;

36 (h) Any person who is in lawful possession of an unloaded firearm,
37 secured in a vehicle while conducting legitimate business at the
38 school; or

1 (i) Any law enforcement officer of the federal, state, or local
2 government agency.

3 (4) Except as provided in subsection (3)(b), (c), (e), and (i) of
4 this section, firearms are not permitted in a public or private school
5 building.

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

9 NEW SECTION. Sec. 2. A new section is added to chapter 28A.320
10 RCW to read as follows:

11 Each school district and each private school approved under chapter
12 28A.195 RCW shall report to the superintendent of public instruction by
13 January 31st of each year all known incidents involving the possession
14 of weapons on school premises, on transportation systems, or in areas
15 of facilities while being used exclusively by public or private
16 schools, in violation of RCW 9.41.280 in the year preceding the report.
17 The superintendent shall compile the data and report it to the house of
18 representatives, the senate, and the governor.

19 **Sec. 3.** RCW 28A.635.060 and 1989 c 269 s 6 are each amended to
20 read as follows:

21 (1) Any pupil who shall deface or otherwise injure any school
22 property, shall be liable to suspension and punishment. Any school
23 district whose property has been lost or willfully cut, defaced, or
24 injured, may withhold the grades, diploma, and transcripts of the pupil
25 responsible for the damage or loss until the pupil or the pupil's
26 parent or guardian has paid for the damages, unless the student is
27 transferring to another elementary or secondary educational
28 institution, in which case the student's permanent record shall be
29 released promptly to the receiving school. When the pupil and parent
30 or guardian are unable to pay for the damages, the school district
31 shall provide a program of voluntary work for the pupil in lieu of the
32 payment of monetary damages. Upon completion of voluntary work the
33 grades, diploma, and transcripts of the pupil shall be released. The
34 parent or guardian of such pupil shall be liable for damages as
35 otherwise provided by law.

1 (2) Before any penalties are assessed under this section, a school
2 district board of directors shall adopt procedures which insure that
3 pupils' rights to due process are protected.

4 (3) If the department of social and health services or a child-
5 placing agency licensed by the department has been granted custody of
6 a child, that child's records, if requested by the department or
7 agency, are not to be withheld for nonpayment of school fees or any
8 other reason.

9 **Sec. 4.** RCW 10.31.100 and 1988 c 190 s 1 are each amended to read
10 as follows:

11 A police officer having probable cause to believe that a person has
12 committed or is committing a felony shall have the authority to arrest
13 the person without a warrant. A police officer may arrest a person
14 without a warrant for committing a misdemeanor or gross misdemeanor
15 only when the offense is committed in the presence of the officer,
16 except as provided in subsections (1) through (~~(8)~~) (9) of this
17 section.

18 (1) Any police officer having probable cause to believe that a
19 person has committed or is committing a misdemeanor or gross
20 misdemeanor, involving physical harm or threats of harm to any person
21 or property or the unlawful taking of property or involving the use or
22 possession of cannabis, or involving the acquisition, possession, or
23 consumption of alcohol by a person under the age of twenty-one years
24 under RCW 66.44.270 shall have the authority to arrest the person.

25 (2) A police officer shall arrest and take into custody, pending
26 release on bail, personal recognizance, or court order, a person
27 without a warrant when the officer has probable cause to believe that:

28 (a) An order has been issued of which the person has knowledge
29 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
30 RCW, or chapter 26.50 RCW restraining the person and the person has
31 violated the terms of the order restraining the person from acts or
32 threats of violence or excluding the person from a residence or, in the
33 case of an order issued under RCW 26.44.063, imposing any other
34 restrictions or conditions upon the person; or

35 (b) The person is eighteen years or older and within the preceding
36 four hours has assaulted that person's spouse, former spouse, or a
37 person eighteen years or older with whom the person resides or has
38 formerly resided and the officer believes: (i) A felonious assault has

1 occurred; (ii) an assault has occurred which has resulted in bodily
2 injury to the victim, whether the injury is observable by the
3 responding officer or not; or (iii) that any physical action has
4 occurred which was intended to cause another person reasonably to fear
5 imminent serious bodily injury or death. Bodily injury means physical
6 pain, illness, or an impairment of physical condition. When the
7 officer has probable cause to believe that spouses, former spouses, or
8 other persons who reside together or formerly resided together have
9 assaulted each other, the officer is not required to arrest both
10 persons. The officer shall arrest the person whom the officer believes
11 to be the primary physical aggressor. In making this determination,
12 the officer shall make every reasonable effort to consider: (i) The
13 intent to protect victims of domestic violence under RCW 10.99.010;
14 (ii) the comparative extent of injuries inflicted or serious threats
15 creating fear of physical injury; and (iii) the history of domestic
16 violence between the persons involved.

17 (3) Any police officer having probable cause to believe that a
18 person has committed or is committing a violation of any of the
19 following traffic laws shall have the authority to arrest the person:

20 (a) RCW 46.52.010, relating to duty on striking an unattended car
21 or other property;

22 (b) RCW 46.52.020, relating to duty in case of injury to or death
23 of a person or damage to an attended vehicle;

24 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
25 racing of vehicles;

26 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
27 influence of intoxicating liquor or drugs;

28 (e) RCW 46.20.342, relating to driving a motor vehicle while
29 operator's license is suspended or revoked;

30 (f) RCW 46.61.525, relating to operating a motor vehicle in a
31 negligent manner.

32 (4) A law enforcement officer investigating at the scene of a motor
33 vehicle accident may arrest the driver of a motor vehicle involved in
34 the accident if the officer has probable cause to believe that the
35 driver has committed in connection with the accident a violation of any
36 traffic law or regulation.

37 (5) Any police officer having probable cause to believe that a
38 person has committed or is committing a violation of RCW 88.12.100
39 shall have the authority to arrest the person.

1 (6) An officer may act upon the request of a law enforcement
2 officer in whose presence a traffic infraction was committed, to stop,
3 detain, arrest, or issue a notice of traffic infraction to the driver
4 who is believed to have committed the infraction. The request by the
5 witnessing officer shall give an officer the authority to take
6 appropriate action under the laws of the state of Washington.

7 (7) Any police officer having probable cause to believe that a
8 person has committed or is committing any act of indecent exposure, as
9 defined in RCW 9A.88.010, may arrest the person.

10 (8) A police officer may arrest and take into custody, pending
11 release on bail, personal recognizance, or court order, a person
12 without a warrant when the officer has probable cause to believe that
13 an order has been issued of which the person has knowledge under
14 chapter 10.14 RCW and the person has violated the terms of that order.

15 (9) A police officer having probable cause to believe that a person
16 illegally possesses or illegally has possessed a firearm or other
17 dangerous weapon on private or public elementary or secondary school
18 premises shall have the authority to arrest the person. For purposes
19 of this subsection, the term "firearm" has the meaning defined in RCW
20 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW
21 9.41.250 and 9.41.280(1) (c) through (e).

22 (10) Except as specifically provided in subsections (2), (3), (4),
23 and (6) of this section, nothing in this section extends or otherwise
24 affects the powers of arrest prescribed in Title 46 RCW.

25 (~~(10)~~) (11) No police officer may be held criminally or civilly
26 liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the
27 police officer acts in good faith and without malice.

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