

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5307**

Chapter 347, Laws of 1993

(partial veto)

53rd Legislature  
1993 Regular Session

PROHIBITION ON FIREARMS AND WEAPONS ON SCHOOL PREMISES

EFFECTIVE DATE: 7/25/93

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

JOEL PRITCHARD

**President of the Senate**

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

BRIAN EBERSOLE

**Speaker of the  
House of Representatives**

Approved May 15, 1993, with the  
exception of section 4, which is  
vetoed.

MIKE LOWRY

**Governor of the State of Washington**

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.

MARTY BROWN

**Secretary**

FILED

May 15, 1993 - 10:48 a.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5307

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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.

28 \*Sec. 4 was vetoed, see message at end of chapter.

Passed the Senate April 20, 1993.

Passed the House April 15, 1993.

Approved by the Governor May 15, 1993, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State May 15, 1993.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 4,  
3 Engrossed Substitute Senate Bill No. 5307 entitled:

4 "AN ACT Relating to student safety and discipline"

5 Section 4 of Engrossed Substitute Senate Bill No. 5307 adds  
6 probable cause arrest authority for officers believing an individual  
7 illegally possesses or has illegally possessed a firearm or other  
8 dangerous weapon on school premises.

1 Section 4 of Engrossed Substitute Senate Bill No. 5307 is identical  
2 to Senate Bill No. 5107 which I have already signed.

3 For this reason, I have vetoed section 4 of Engrossed Substitute  
4 Senate Bill No. 5307.

5 With the exception of section 4, Engrossed Substitute Senate Bill  
6 No. 5307 is approved."