
HOUSE BILL 2544

State of Washington

58th Legislature

2004 Regular Session

By Representatives Condotta, Lovick, O'Brien, Boldt, Delvin, Simpson, G. and Chase

Read first time 01/15/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to eliminating dangerous weapons in schools; and
2 amending RCW 9.41.280.

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

4 **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read
5 as follows:

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

10 (a) Any firearm;

11 (b) (~~Any other dangerous weapon as defined in RCW 9.41.250~~) Any
12 air gun, including any air pistol or air rifle, designed to propel a
13 BB, pellet, or other projectile by the discharge of compressed air,
14 carbon dioxide, or other gas;

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

18 (d) Any device, commonly known as "throwing stars", which are

1 multi-pointed, metal objects designed to embed upon impact from any
2 aspect; or

3 ~~(e) ((Any air gun, including any air pistol or air rifle, designed~~
4 ~~to propel a BB, pellet, or other projectile by the discharge of~~
5 ~~compressed air, carbon dioxide, or other gas.))~~ Any other dangerous
6 weapon, device, instrument, article, or substance that is or appears to
7 be capable of inflicting bodily harm, and from the manner in which it
8 is used, attempted to be used, or threatened to be used is likely to
9 produce or may easily and readily produce bodily harm. This includes
10 any knife, blade, or similar object used or intended to be used for
11 cutting or stabbing, such as a dirk, dagger, spring blade knife, sword,
12 machete, razor, box cutter, carpet cutter, ice pick, or screw driver;
13 any blackjack, Billy club, sand club, sandbag, metal knuckle, metal
14 pipe or bar, or any other object or instrument used or intended to be
15 used as a club; any sling shot; any tazer; any explosive; and any
16 poisonous or injurious gas.

17 In any prosecution under this subsection, it is a defense that (i)
18 the school provided or permitted the person to possess the weapon,
19 device, instrument, article, substance, or object for use on a specific
20 school-related task, project, or purpose; (ii) the person was using the
21 weapon, device, instrument, article, substance, or object on the
22 specific task, project, or purpose at the time the person possessed it;
23 and (iii) the allegation does not involve the use, attempt to use, or
24 threat to use the weapon, device, instrument, article, substance, or
25 object on or against another person.

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

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

12 Within twenty-four hours of the arrest, the arresting law
13 enforcement agency shall refer the person to the county-designated
14 mental health professional for examination and evaluation under chapter
15 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
16 arrest, detention, and examination. The county-designated mental
17 health professional shall examine and evaluate the person subject to
18 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
19 occur at the facility in which the person is detained or confined. If
20 the person has been released on probation, bond, or bail, the
21 examination shall occur wherever is appropriate.

22 The county-designated mental health professional may determine
23 whether to refer the person to the county-designated chemical
24 dependency specialist for examination and evaluation in accordance with
25 chapter 70.96A RCW. The county-designated chemical dependency
26 specialist shall examine the person subject to the provisions of
27 chapter 70.96A RCW. The examination shall occur at the facility in
28 which the person is detained or confined. If the person has been
29 released on probation, bond, or bail, the examination shall occur
30 wherever is appropriate.

31 Upon completion of any examination by the county-designated mental
32 health professional or the county-designated chemical dependency
33 specialist, the results of the examination shall be sent to the court,
34 and the court shall consider those results in making any determination
35 about the person.

36 The county-designated mental health professional and county-
37 designated chemical dependency specialist shall, to the extent
38 permitted by law, notify a parent or guardian of the person that an

1 examination and evaluation has taken place and the results of the
2 examination. Nothing in this subsection prohibits the delivery of
3 additional, appropriate mental health examinations to the person while
4 the person is detained or confined.

5 If the county-designated mental health professional determines it
6 is appropriate, the county-designated mental health professional may
7 refer the person to the local regional support network for follow-up
8 services or the department of social and health services or other
9 community providers for other services to the family and individual.

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

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

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

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

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

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

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

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

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

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

37 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of

1 this section, firearms are not permitted in a public or private school
2 building.

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

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