

SHB 3127 - H AMD 782

By Representative Nixon

1 Strike everything after the enacting clause and insert the
2 following:

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

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

9 (a) Any firearm;

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

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

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

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

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

29 Any violation of subsection (1) of this section by elementary
30 or secondary school students constitutes grounds for expulsion from
31 the state's public schools in accordance with RCW 28A.600.010. An

1 appropriate school authority shall promptly notify law enforcement
2 and the student's parent or guardian regarding any allegation or
3 indication of such violation.

4 Upon the arrest of a person at least twelve years of age and
5 not more than twenty-one years of age for violating subsection
6 (1)(a) of this section, the person shall be detained or confined in
7 a juvenile or adult facility for up to seventy-two hours. The
8 person shall not be released within the seventy-two hours until
9 after the person has been examined and evaluated by the *county-
10 designated mental health professional unless the court in its
11 discretion releases the person sooner after a determination
12 regarding probable cause or on probation bond or bail.

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

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

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

38 The *county-designated mental health professional and county-
39 designated chemical dependency specialist shall, to the extent

1 permitted by law, notify a parent or guardian of the person that an
2 examination and evaluation has taken place and the results of the
3 examination. Nothing in this subsection prohibits the delivery of
4 additional, appropriate mental health examinations to the person
5 while the person is detained or confined.

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

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

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

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

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

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

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

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

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

35 (h) Any law enforcement officer of the federal, state, or local
36 government agency((-));

37 (i) Any teacher, administrator, or other employee of a public
38 school or state institution of higher education in possession of a
39 pistol who has been issued a license under RCW 9.41.070, or is

1 exempt from the licensing requirement by RCW 9.41.060, while on the
2 premises of the school campus or in the school building or
3 buildings at which they are employed. This exemption may not be
4 infringed or waived by any local school district or institutional
5 rule or policy.

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

10 (5) Except as provided in subsection (3)(b), (c), (f), (~~and~~)
11 (h) and (i) of this section, firearms are not permitted in a public
12 or private school building.

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

16 NEW SECTION. Sec. 2. A new section is added to chapter
17 28A.400 RCW to read as follows:

18 No school district may adopt any rule or policy which infringes
19 the right of any teacher, administrator, or other employee of a
20 public school who has been issued a license under RCW 9.41.070, or
21 is exempt from the licensing requirement by RCW 9.41.060, to
22 possess a pistol while on the premises of the school campus or in
23 the school building or buildings at which they are employed. Any
24 policy adopted or waiver of this right signed prior to the
25 effective date of this act is null and void and shall not be
26 enforced.

27 NEW SECTION. Sec. 3. A new section is added to chapter 28B.10
28 RCW to read as follows:

29 No state institution of higher education may adopt any rule or
30 policy which infringes the right of any teacher, administrator, or
31 other employee of a public school who has been issued a license
32 under RCW 9.41.070, or is exempt from the licensing requirement by
33 RCW 9.41.060, to possess a pistol while on the premises of the
34 school campus or in the school building or buildings at which they
35 are employed. Any policy adopted or waiver of this right signed
36 prior to the effective date of this act is null and void and shall
37 not be enforced."

1 Correct the title.

EFFECT: Strikes all existing provisions. Permits teachers, administrators, and other employees of a public school or state institution of higher education who have a valid concealed weapons permit to carry a pistol on school grounds and in school buildings. Precludes school districts and state institutions of higher education from adopting rules or policies that infringe on the right of any such teacher, administrator, or other employee to carry a pistol.