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HOUSE BILL 2930

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Jarrett, Clibborn, Tom, Hunter and Springer

Read first time 01/17/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to the possession of firearms or other dangerous  
2 weapons on school premises; amending RCW 9.41.280; and prescribing  
3 penalties.

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

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

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

11            (a) Any firearm;

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

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

16            (d) Any device, commonly known as "throwing stars", which are  
17 multi-pointed, metal objects designed to embed upon impact from any  
18 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 person violating subsection (1) of this section is  
5 guilty of a gross misdemeanor. If any person is convicted of a  
6 violation of subsection (1)(a) of this section, the person shall have  
7 his or her concealed pistol license, if any revoked, for a period of  
8 three years. Anyone convicted under this subsection is prohibited from  
9 applying for a concealed pistol license for a period of three years.  
10 The court shall send notice of the revocation to the department of  
11 licensing, and the city, town, or county which issued the license.

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

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

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

37 The ((~~county~~))designated mental health professional may determine  
38 whether to refer the person to the county-designated chemical

1 dependency specialist for examination and evaluation in accordance with  
2 chapter 70.96A RCW. The county-designated chemical dependency  
3 specialist shall examine the person subject to the provisions of  
4 chapter 70.96A 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 (~~county~~)designated  
9 mental health professional or the county-designated chemical dependency  
10 specialist, the results of the examination shall be sent to the court,  
11 and the court shall consider those results in making any determination  
12 about the person.

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

20 If the (~~county~~)designated mental health professional determines  
21 it is appropriate, the (~~county~~)designated mental health professional  
22 may refer the person to the local regional support network for follow-  
23 up services or the department of social and health services or other  
24 community providers for other services to the family and individual.

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

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

28 (b) Any law enforcement officer of a federal, state, or local  
29 government agency or any person engaged in military, law enforcement,  
30 or school, or school district security activities(~~(+)~~).

31 (4) If a public school district board of directors or the governing  
32 body of a private school adopts a specific policy authorizing the  
33 possession of firearms by persons in one or more of the following  
34 circumstances, then with regard to that circumstance or those  
35 circumstances, subsection (1) of this section does not apply to:

36 (~~(e)~~) (a) Any person who is involved in a convention, showing,  
37 demonstration, lecture, or firearms safety course authorized by school

1 authorities in which the firearms of collectors or instructors are  
2 handled or displayed;

3 ~~((d))~~ (b) Any person while the person is participating in a  
4 firearms or air gun competition approved by the school or school  
5 district;

6 ~~((e))~~ (c) Any person in possession of a pistol who has been  
7 issued a license under RCW 9.41.070, or is exempt from the licensing  
8 requirement by RCW 9.41.060, while picking up or dropping off a  
9 student;

10 ~~((f))~~ (d) Any nonstudent at least eighteen years of age legally  
11 in possession of a firearm or dangerous weapon that is secured within  
12 an attended vehicle or concealed from view within a locked unattended  
13 vehicle while conducting legitimate business at the school; or

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

17 ~~(h) Any law enforcement officer of the federal, state, or local  
18 government agency~~)).

19 ~~((4))~~ (5) Subsection(~~(s)~~) (1)(c) and (d) of this section do not  
20 apply to any person who possesses nun-chu-ka sticks, throwing stars, or  
21 other dangerous weapons to be used in martial arts classes authorized  
22 to be conducted on the school premises.

23 ~~((5))~~ (6) Except as provided in subsection (3)(b)(~~(, (c), (f),~~  
24 ~~and (h))~~) or (4)(a) or (b) of this section, firearms are not permitted  
25 in a public or private school building.

26 ~~((6))~~ (7) "GUN-FREE ZONE" signs shall be posted around school  
27 facilities giving warning of the prohibition of the possession of  
28 firearms on school grounds.

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