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## Judiciary Committee

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### HB 2268

**Title:** An act relating to the possession of dangerous weapons on school facilities.

**Brief Description:** Revising provisions relating to possession of dangerous weapons on school facilities.

**Sponsors:** Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby.

#### **Brief Summary of Proposed Substitute Bill**

- Expands and clarifies the list of weapons prohibited on school grounds.
- Creates new exemptions for authorized possession of a weapon.
- Raises the criminal penalty for possession of a firearm on school property from a gross misdemeanor to a class C felony.
- Changes requirements for mental health evaluation requirements.
- Recommends referral of certain incidents to a multi-disciplinary threat assessment team.

**Hearing Date:** 2/20/07

**Staff:** Jasmine Vasavada (786-5793) and Bill Perry (786-7123).

#### **Background:**

With certain exceptions, it is a gross misdemeanor to possess or bring a dangerous weapon onto school property. School property includes the school premises, transportation systems, and areas of any facility while being used exclusively by a public or private school. In the 2005-06 school year, public schools reported 3,387 incidents in which the prohibition against possession of dangerous weapons at school facilities was violated.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The following dangerous weapons are prohibited: (1) firearms; (2) "nunchu-ka sticks"; (3) "throwing stars"; (4) air guns; and (5) "dangerous weapons" listed under another statute as slung shots, sand clubs, metal knuckles, devices for suppressing the noise of a firearm, and certain knives, such as switchblades.

Exceptions from the ban on possession of dangerous weapons are made for law enforcement, security or military personnel, persons involved in firearms safety events or competitions, persons with concealed pistol licenses who are picking up or dropping off students, and nonstudents 18 years or older in lawful possession of an unloaded firearm under certain circumstances.

A school authority must notify law enforcement and the student's parent or guardian regarding the allegation or indication of any violation. For possession of dangerous weapons other than a firearm, a student faces possible expulsion.

Offenders face the following sanctions for possession of a firearm:

- three-year revocation of concealed pistol licenses, if any are possessed by the offender;
- mandatory expulsion for not less than one year if the offender is a elementary or secondary school student (under the state's education code); and
- detention with no release within seventy-two hours until the person has been examined by a designated mental health professional (DMHP) (if an offender is arrested who is at least 12 years old and not older than 21). This examination may be waived at the court's discretion if the court has made a determination regarding probable cause or levied a probation bond or bail.

Mental Health Evaluation: Minors or adults may be referred for voluntary or involuntary treatment of a mental disorder, including involuntary commitment if the individual poses a likelihood of serious harm or is gravely disabled. The DMHP also may refer the person to the county-designated chemical dependency specialist for evaluation. The results of the evaluation are sent to the court, and the court considers those results in making any determination about the person.

#### Multi-Disciplinary Threat Committees:

Some Washington school districts have developed local multi-disciplinary threat committees to evaluate and respond to threats of violence in schools. These include Seattle public schools, a county-wide program in Skagit County, and the Sunnyside School District in Eastern Washington. Multi-disciplinary threat assessment committees may comprise school staff, trained mental health professionals, and representatives from local law enforcement agencies. The formation of such teams to help advise school officials on the assessment of threats, evaluation of the person posing the threat, and appropriate level of response is a best practice recommended by the United States Department of Education, the Federal Bureau of Investigation, and the United States Secret Service.

#### **Summary of Proposed Substitute Bill:**

The list of dangerous weapons banned on school facilities is broadened to include the following weapons and potential weapons:

1. live ammunition and ammunition magazines;
2. metal batons and billy clubs;
3. metal pipes, bars, or tools intended to be used or actually used as a club;

4. any explosive, firework, or item containing a poisonous or injurious substance; and
5. any object which has the capacity to inflict death or substantial bodily harm and is likely to or may easily and readily produce such harm from the manner in which it is threatened to be used.

The prohibition of certain knives, such as switchblades, is expanded to any object or instrument equipped with a blade or sharp extension that could reasonably be used for cutting, slicing, or stabbing. This could include a tool such as a leather punch or screwdriver if it is possessed with intent to be used as a stabbing instrument.

Four new exceptions to the offense are enumerated for the possession and control of:

- (1) devices, tools, and articles for school-approved activities possessed with the express permission of a school official for use in a school-approved project, class, or exercise;
- (2) devices, tools, and articles for non-school activities possessed with the express permission to be used in the approved activity or class on school premises, school transportation, or other areas and facilities while being used exclusively by the school;
- (3) tools secured in an attended vehicle or concealed from view in a locked, unattended vehicle while conducting legitimate business at the school; and
- (4) medical equipment, devices, or paraphernalia required for health care prescribed by a health professional and with the written permission of the school and a student's parent or under a medication and treatment order and nursing plan.

The criminal penalty for possession of a firearm is raised from a gross misdemeanor to a class C felony (subject to up to 12 months incarceration for adults and up to 30 days detention for juveniles for a first offense).

DMHP evaluation requirements are changed:

- The court's discretion to release a person aged 12 or older before evaluation by a DMHP is removed.
- A person under the age of 12 may be released prior to the required examination, but if so, must be examined wherever is appropriate.
- A person ineligible for voluntary or involuntary commitment or services should be referred to a multidisciplinary threat or risk assessment committee.

A deadline is added to the requirement that schools notify law enforcement and parents when a violation of the weapons prohibition has occurred, requiring such notification to occur within one business day. Law enforcement must forward the notification to the prosecuting attorney.

**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.