
Judiciary Committee

HB 3131

Title: An act relating to school safety.

Brief Description: Addressing school safety.

Sponsors: Representatives Lantz, Goodman, Williams, Kelley and Ormsby.

Brief Summary of Bill

- Expands the list of weapons prohibited on school grounds.
- Increases the penalty for possession of a firearm on school grounds from a gross misdemeanor to a class C felony.
- Requires the Superintendent of Public Instruction to convene a multistakeholder workgroup to develop a model policy on threat assessment and management, and requires school districts to adopt a policy, taking into consideration the model policy.

Hearing Date: 1/25/08

Staff: Trudes Tango (786-7384).

Background:

With several exceptions, it is a gross misdemeanor for a person to possess dangerous weapons on public or private elementary or secondary school property. The following dangerous weapons are prohibited: (a) firearms; (b) "nunchu-ka sticks"; (c) "throwing stars"; (d) air guns; and (e) "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.

School property includes the school premises, transportation systems, and areas of any facility while being used exclusively by a public or private school.

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

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with concealed pistol licenses who are picking up or dropping off students, and nonstudents 18 years or older in lawful possession of a firearm that is secured in a vehicle.

An offender faces the following sanctions for possession of a firearm:

- three-year revocation of a concealed pistol license, if any;
- expulsion from public school for not less than one year if the offender is an elementary or secondary school student (under the state's education code);
- prompt notification of the violation to law enforcement and a parent or guardian; and
- detention for examination by a designated mental health professional for certain offenders.

Summary of Bill:

The category of dangerous weapons prohibited on school grounds is revised to more closely conform to weapons already defined as dangerous in another section of the statutes. The category is expanded to include: live ammunition; any loaded ammunition magazine; blackjacks, billy clubs; spring-loaded and airsoft guns; stun guns; and any explosive or any weapon containing poisonous or injurious gases.

In addition, it is a gross misdemeanor for a person on school grounds to possess any object, implement, or instrument that has the capacity to inflict death or substantial bodily harm when the person uses, attempts, threatens, or intends to use the item in such a way likely to inflict death or substantial bodily harm.

The criminal penalty for possession of a firearm is raised from a gross misdemeanor to a class C felony. However, a student who is otherwise legally in possession of an unloaded firearm secured within a locked vehicle is guilty of a gross misdemeanor if the student did not intend to use the firearm, did not threaten to use it, or did not cause or threaten to cause alarm.

Current school disciplinary practice is clarified. A violation of the firearms provision remains grounds for expulsion for one year, but possession on school grounds of another weapon *may* be grounds for expulsion.

The school must notify law enforcement and the student's parent within one business day of any allegation or indication of a student possessing a firearm on school grounds. Law enforcement must forward the notification to the prosecuting attorney.

The Superintendent of Public Instruction must convene a school threat assessment workgroup to develop a model policy and guidelines on threat assessment in schools. The workgroup should consist of representatives from various enumerated agencies and associations, and must develop the model policy by September 1, 2009.

The purpose of the policy is to provide school personnel and community safety agencies best practices and procedures that should be followed to address assessment and intervention methods. The model policy must: be consistent with existing law on required notifications; address the definition of threat assessment; define a range of best practice interventions that should be pursued if the student is either released into the community while expelled or returned to school; and address the purpose of the assessment, guidelines for school threat management plans, governance of the threat assessment process, the boundaries of information sharing, and liability issues.

By September 1, 2010, each school district must adopt a policy on threat assessment and management that addresses how schools will provide for the safety of individuals involved in threatening incidents. The school shall consider the model policy in developing its policy.

Appropriation: None.

Fiscal Note: Requested on 1/23/08.

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