
HOUSE BILL 2268

State of Washington

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

Read first time 02/15/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to the possession of dangerous weapons on school
2 facilities; amending RCW 9.41.280; and prescribing penalties.

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 live ammunition, an ammunition magazine, or a device for suppressing
13 the noise of any firearm;

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

17 (d) Any device, commonly known as "throwing stars", which are
18 multi-pointed, metal objects designed to embed upon impact from any
19 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 (f) A slung shot, sling shot, sand club, billy club, metal baton,
5 or metal knuckles;

6 (g) Any object or instrument equipped with a blade or sharp or
7 sharpened extension that could reasonably be used for cutting, slicing,
8 or stabbing, including but not limited to:

9 (i) Any knife, dirk, ice pick, dagger, or razor with an unguarded
10 blade;

11 (ii) A tool or device, such as a leather punch or screwdriver,
12 which is used as a stabbing instrument, or which is possessed or
13 controlled with the intent to be used as a stabbing instrument;

14 (h) Any stun gun or other object, instrument, or device which, when
15 applied to a person or animal, is designed to administer an
16 incapacitating electric shock, charge, or impulse, including but not
17 limited to a projectile stun gun, which projects wired probes attached
18 to the device that emit an electrical charge;

19 (i) Any metal pipe, bar, or tool used or intended to be used as a
20 club;

21 (j) Any explosive, firework as defined in RCW 70.77.126, or item
22 containing poisonous or injurious gas, liquid, or other substance; or

23 (k) Any object, implement, or instrument which has the capacity to
24 inflict death or substantial bodily harm and from the manner in which
25 it is used, attempted to be used, or threatened to be used is likely to
26 produce or may easily and readily produce death or substantial bodily
27 harm.

28 (2) Any such person violating subsection (1) of this section is
29 guilty of a gross misdemeanor, except that any such person violating
30 subsection (1)(a) of this section is guilty of a class C felony.

31 (a) In addition, if any person is convicted of a violation of
32 subsection (1)(a) of this section, the person shall have his or her
33 concealed pistol license, if any revoked for a period of three years.
34 Anyone convicted under this subsection is prohibited from applying for
35 a concealed pistol license for a period of three years. The court
36 shall send notice of the revocation to the department of licensing, and
37 the city, town, or county which issued the license.

1 (b) Any violation of subsection (1) of this section by elementary
2 or secondary school students constitutes grounds for expulsion from the
3 state's public schools in accordance with RCW 28A.600.010. Within one
4 business day of any allegation or indication of such violation, an
5 appropriate school authority shall promptly notify law enforcement and
6 the student's parent or guardian regarding ~~((any))~~ the allegation or
7 indication of such violation. Law enforcement shall forward this
8 notification to the prosecuting attorney.

9 (c) A person at least eight years of age shall be arrested for a
10 violation of subsection (1)(a) of this section.

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

20 (e) Within twenty-four hours of the arrest, the arresting law
21 enforcement agency shall refer the person to the ~~((county-))~~ designated
22 mental health professional for examination and evaluation under chapter
23 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
24 arrest, detention, and examination. The ~~((county-))~~ designated mental
25 health professional shall examine and evaluate the person subject to
26 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
27 occur at the facility in which the person is detained or confined. If
28 ~~((the))~~ a person under the age of twelve has been released ~~((on~~
29 ~~probation, bond, or bail))~~ prior to the required examination, the
30 examination shall occur wherever is appropriate.

31 The ~~((county-))~~ designated mental health professional may determine
32 whether to refer the person to the ~~((county-))~~ designated chemical
33 dependency specialist for examination and evaluation in accordance with
34 chapter 70.96A RCW. The ~~((county-))~~ designated chemical dependency
35 specialist shall examine the person subject to the provisions of
36 chapter 70.96A RCW. The examination shall occur at the facility in
37 which the person is detained or confined. If ~~((the))~~ a person under

1 the age of twelve has been released (~~on probation, bond, or bail~~)
2 prior to the required examination, the examination shall occur wherever
3 is appropriate.

4 Upon completion of any examination by the (~~county~~)designated
5 mental health professional or the (~~county~~)designated chemical
6 dependency specialist, the results of the examination shall be sent to
7 the court, and the court shall consider those results in making any
8 determination about the person.

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

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

21 If the person detained is determined by the designated mental
22 health professional to be ineligible for detention or services relative
23 to the provisions of chapter 71.05 or 71.34 RCW, the person should be
24 referred to a multidisciplinary threat or risk assessment committee,
25 where available, for determination of the person's risk for continued
26 violence and the development of a safety plan for the person and any
27 known targets or victims. The threat or risk assessment committee is
28 typically comprised of representatives from school districts, local law
29 enforcement, local juvenile justice agencies, mental health, risk
30 management organizations, local family services organizations, and
31 school safety or security professionals.

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

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

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

37 (c) Any person who is involved in a convention, showing,

1 demonstration, lecture, or firearms safety course authorized by school
2 authorities in which the firearms of collectors or instructors are
3 handled or displayed;

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

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

9 (f) Any nonstudent at least eighteen years of age legally in
10 possession of a firearm or (~~dangerous~~) other weapon specified in
11 subsection (1) of this section that is secured within an attended
12 vehicle or concealed from view within a locked unattended vehicle while
13 conducting legitimate business at the school;

14 (g) Any nonstudent at least eighteen years of age who is in lawful
15 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 (i) Any person who possesses or controls any device, object,
20 implement, instrument, or tool for a school-approved project, exercise,
21 or class, and which has been provided by the school specifically for
22 the project, exercise, or class; or which the student has brought to
23 school with the prior express verbal or written permission of a teacher
24 or other school official for use in the school-approved project,
25 exercise, or class;

26 (j) Any person who possesses or controls any device, object,
27 implement, instrument, or tool for a nonschool-related activity or
28 class authorized to be conducted on the school premises, school-
29 provided transportation, or areas of facilities while being used
30 exclusively by the school, and the device, object, implement,
31 instrument, or tool has been provided specifically for the activity or
32 class, or has been brought to the school premises with express prior
33 permission to be used in the approved activity or class;

34 (k) Any person in possession of tools that are secured within an
35 attended vehicle or concealed from view within a locked unattended
36 vehicle while conducting legitimate business at the school; or

37 (l) Any person in possession of medical equipment, devices, or
38 paraphernalia including, but not limited to, hypodermic needles or

1 other devices, required for the administration or injection of
2 medications prescribed by a health professional to treat a health
3 condition. Students in possession of such medical equipment, devices,
4 or paraphernalia may only possess such items with the written
5 permission of the school and a student's parent or legal guardian, or
6 under a medication or treatment order and nursing plan to implement the
7 order.

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

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

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

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