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SENATE BILL 6841

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Murray, Jacobsen, Kline, Shin, and Kohl-Welles

Read first time 01/28/08. Referred to Committee on Higher Education.

1            AN ACT Relating to restricting possession of weapons at  
2 institutions of higher education; adding a new section to chapter 9.41  
3 RCW; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 9.41 RCW  
6 to read as follows:

7            (1) It is unlawful for a person to carry onto, or to possess in or  
8 on lands, buildings, or facilities owned or controlled by an  
9 institution of higher education as defined in RCW 28B.14H.010 that  
10 enrolls common or private school students participating in a program of  
11 study at that institution:

12            (a) Any firearm;

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

14            (c) Any air gun, including any air pistol or air rifle, designed to  
15 propel a BB, pellet, or other projectile by the discharge of compressed  
16 air, carbon dioxide, or other gas.

17            (2) Any person violating subsection (1) of this section is guilty  
18 of a gross misdemeanor. If any person is convicted of a violation of  
19 subsection (1)(a) of this section, the person shall have his or her

1 concealed pistol license, if any revoked for a period of three years.  
2 Anyone convicted under this subsection is prohibited from applying for  
3 a concealed pistol license for a period of three years. The court  
4 shall send notice of the revocation to the department of licensing, and  
5 the city, town, or county which issued the license.

6 Any violation of subsection (1) of this section by a student at  
7 that institution of higher education may constitute grounds for  
8 sanctions in accordance with the student conduct code. The appropriate  
9 school authority shall promptly notify law enforcement regarding any  
10 allegation or indication of such violation.

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

20 The designated mental health professional may determine whether to  
21 refer the person to the county-designated chemical dependency  
22 specialist for examination and evaluation in accordance with chapter  
23 70.96A RCW. The county-designated chemical dependency specialist shall  
24 examine the person subject to the provisions of chapter 70.96A RCW.  
25 The examination shall occur at the facility in which the person is  
26 detained or confined. If the person has been released on probation,  
27 bond, or bail, the examination shall occur wherever is appropriate.

28 Upon completion of any examination by the designated mental health  
29 professional or the county-designated chemical dependency specialist,  
30 the results of the examination shall be sent to the court, and the  
31 court shall consider those results in making any determination about  
32 the person.

33 Nothing in this subsection prohibits the delivery of additional,  
34 appropriate mental health examinations to the person while the person  
35 is detained or confined.

36 If the designated mental health professional determines it is  
37 appropriate, the designated mental health professional may refer the

1 person to the local regional support network for follow-up services or  
2 the department of social and health services or other community  
3 providers for other services to the family and individual.

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

5 (a) Any person engaged in military, law enforcement, or  
6 institutional security activities;

7 (b) Any person who is involved in a convention, showing,  
8 demonstration, lecture, or firearms safety course authorized by the  
9 institution in which the firearms of collectors or instructors are  
10 handled or displayed;

11 (c) Any person while the person is participating in a firearms or  
12 air gun competition approved by the institution;

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

16 (e) Any nonstudent at least eighteen years of age legally in  
17 possession of a firearm or dangerous weapon that is secured within an  
18 attended vehicle or concealed from view within a locked unattended  
19 vehicle while conducting legitimate business at the institution;

20 (f) Any nonstudent at least eighteen years of age who is in lawful  
21 possession of an unloaded firearm, secured in a vehicle while  
22 conducting legitimate business at the institution; or

23 (g) Any law enforcement officer of a federal, state, or local  
24 government agency.

25 (4) Subsection (1)(b) of this section does not apply to any person  
26 who possesses dangerous weapons to be used in martial arts classes  
27 authorized to be conducted on the institutional premises.

28 (5) "GUN-FREE ZONE" signs shall be posted around lands, buildings,  
29 or facilities owned or controlled by the institution of higher  
30 education giving warning of the prohibition of the possession of  
31 firearms.

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