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**HOUSE BILL 3008**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Pike, Shea, Walsh, Taylor, Dent, Condotta, McCaslin, Hargrove, Holy, and Chandler

AN ACT Relating to allowing public school districts and private schools to adopt a policy authorizing permanent employees to possess firearms on school grounds under certain conditions; amending RCW 9.41.280 and 9.41.280; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 43.101 RCW; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

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

NEW SECTION. **Sec.**  This act may be known and cited as the safer schools act of 2018.

NEW SECTION. **Sec.**  According to Article IX of the Washington state Constitution it is the paramount duty of the state to provide for basic education. The legislature finds that pursuant to this duty, basic education requires a safe learning environment. The legislature finds that local school boards are required by federal law to adopt school safety plans and existing public law already allows local school boards to use school resource officers or hire private security officers. The legislature further finds that for some school districts this can be cost-prohibitive. It is the intent of the legislature to provide local school boards additional options to provide for school safety and ensure that Washington state is in compliance with all provisions of the United States Constitution, federal law, and Article I, section 24 of the Washington state Constitution.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) The board of directors of a school district may adopt a written policy authorizing one or more permanent employees of a school located within the school district to possess firearms on school grounds. The written policy must address:

(a) A procedure for implementing the written policy within the school district, including a process for authorizing permanent employees to possess firearms under the written policy and determining that the requirements of the written policy are met;

(b) The training and eligibility requirements that will apply to permanent employees who are authorized to possess firearms under the written policy. The training and eligibility requirements must include, at a minimum, the requirements of subsection (3) of this section, and may include additional requirements as determined by the board;

(c) The number of permanent employees who will be authorized to possess firearms at schools within the school district;

(d) The types of firearms and ammunition that may be possessed on school grounds; and

(e) Standards specifying the manner in which firearms shall be possessed and stored, and the circumstances under which a firearm may be used. The written policy shall require that permanent employees who are authorized to possess firearms must keep the firearm concealed while on school grounds except in circumstances authorized under the written policy.

(2) A board that adopts a written policy authorizing permanent employees to possess firearms on school grounds must notify local law enforcement agencies within the school district of the adoption of the policy.

(3) A permanent employee is not authorized to possess a firearm on school grounds under this section unless the permanent employee has:

(a) Obtained a valid concealed pistol license issued under RCW 9.41.070;

(b) Successfully completed a firearms training program approved by the criminal justice training commission under section 5 of this act; and

(c) Been approved by the board as authorized to possess a firearm on school grounds under the written policy.

(4) Permanent employees who are authorized under this section to possess firearms on school grounds are responsible for obtaining an approved firearm and ammunition, and paying the costs of the required training program under section 5 of this act. The board may elect to provide reimbursement to permanent employees for these expenses.

(5) The school district, the board, and permanent employees who are authorized to possess firearms on school grounds pursuant to a written policy that complies with the requirements of this section are not liable for damages in any action arising from acts or omissions in responding to an incident that threatens the safety or security of the school or its students or employees, other than acts or omissions constituting recklessness or willful or wanton misconduct.

(6) For the purposes of this section:

(a) "Board" means the board of directors of a school district;

(b) "Permanent employee" means a teacher, administrator, or other person under a continuing or renewable employment contract with the school district for a period of not less than one school year, but does not include a person who is in provisional or temporary status; and

(c) "School grounds" means elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by schools.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.195 RCW to read as follows:

Private schools are authorized to adopt a written policy allowing school employees to possess firearms on school grounds if done in accordance with the standards established in section 3 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.101 RCW to read as follows:

The commission shall establish a firearms training and education program for permanent employees of school districts authorized to possess firearms on school grounds under section 3 or 4 of this act. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining the required training. The fees charged by the commission shall recover the costs incurred by the commission in developing and administering the program.

NEW SECTION. **Sec.**  The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2018, from the general fund to the Washington state criminal justice training commission for the purposes of section 5 of this act.

**Sec.**  RCW 9.41.280 and 2014 c 225 s 56 are each amended to read as follows:

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

(a) Any firearm;

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

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

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

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

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

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

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

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

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

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local behavioral health organization for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

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

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

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

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

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

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

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

(h) Any law enforcement officer of the federal, state, or local government agency; or

(i) Any permanent employee who is authorized to possess a firearm on school grounds under section 3 or 4 of this act.

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

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

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

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

**Sec.**  RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended to read as follows:

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

(a) Any firearm;

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

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

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

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

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

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health organization for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

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

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

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

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

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

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

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

(h) Any law enforcement officer of the federal, state, or local government agency; or

(i) Any permanent employee who is authorized to possess a firearm on school grounds under section 3 or 4 of this act.

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

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

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

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

NEW SECTION. **Sec.**  Section 7 of this act expires April 1, 2018.

NEW SECTION. **Sec.**  Section 8 of this act takes effect April 1, 2018.

NEW SECTION. **Sec.**  Except for section 8 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**