

# SENATE BILL REPORT

## SB 6620

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As of February 26, 2018

**Title:** An act relating to improving security in schools and the safety of students by: Creating a grant program for school districts to implement emergency response systems.

**Brief Description:** Improving security in schools and the safety of students.

**Sponsors:** Senators Frockt, Ranker, Kuderer, Dhingra, Carlyle, Darneille, McCoy, Keiser, Billig, Hunt, Saldaña and Pedersen.

**Brief History:**

**Committee Activity:** Ways & Means: 2/27/18.

### Brief Summary of Bill

- Establishes a grant program through the Office of the Superintendent of Public Instruction (OSPI) for school districts to implement emergency response systems to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school.
- Creates the Students Protecting Students program within the Office of the Attorney General (AGO) to provide an anonymous way that students and the community can report unsafe, potentially harmful, dangerous, violent, or criminal activities or the threat of those activities.
- Prohibits the sale or transfer of a semiautomatic rifle or shotgun with tactical features unless both a federal and a state background check have been completed through law enforcement.
- Prohibits a person under the age of twenty-one from purchasing a semiautomatic rifle or shotgun with tactical features.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Amanda Cecil (786-7460), Shani Bauer (786-7468)

**Background:** School Safety Programs. *Safe School Plans*. Current law requires school districts to adopt and implement safe school plans. The plans must contain specified information. To the extent funds are available, school districts must annually review and

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update safe school plans. Safe school plans must be consistent with the school mapping information system.

*State School Safety Center.* The Legislature first established a state School Safety Center within OSPI in the 2001-02 budget. The School Safety Center's requirements include disseminating successful models of school safety plans, providing assistance to schools to establish a comprehensive safe school plan, coordinating activities relating to school safety, and maintaining a school safety information website.

*Regional School Safety and Security Programs.* In 2016, the Legislature enacted ESB 6620, which allowed Educational Service Districts (ESDs) to implement a regional school safety and security program subject to appropriations. The program is to include:

- the establishment of a network of ESD school safety coordinators;
- the creation of technology-based systems that enable communication between schools and response entities;
- ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors; and
- collaboration with other ESDs, OSPI, and the school safety advisory committee.

To date, the program has not received funding from the Legislature.

Possession and Transfer of Firearms. Both federal and state law regulate the possession and transfer of firearms. Firearm dealers (dealers) are required to have licenses in order to sell firearms. Under state law, a dealer includes anyone engaged in the business of selling firearms who has, or is required to have, a federal dealer's license.

*Federal Background Check Requirements.* Under the federal Brady Handgun Violence Prevention Act, a dealer must, with few exceptions, conduct a background check for all firearm sales or transfers to private persons to determine whether the purchaser is prohibited from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS).

*State Background Check Requirements.* All firearm sales or transfers are subject to background checks unless specifically exempted by federal or state law, including sales and transfers through a dealer, at gun shows, online, and between private persons. A pistol purchaser must undergo a state background check in addition to the NICS check required by federal law. A state background check includes a check of the Washington State Patrol databases, the Department of Licensing (DOL) firearms database, and state and local mental health agencies.

A dealer may not deliver a firearm to a purchaser or transferee until the earlier of (1) the completion of all required background checks if the purchaser or transferee is not ineligible to possess a firearm; or (2) ten business days have passed since the dealer requested the background check, although a longer period may apply with respect to certain pistol transfers.

*Pistol Transfers by Dealers.* Specific requirements apply to pistol transfers by a dealer. A dealer may not deliver a pistol to a purchaser until one of the following occurs:

- the purchaser produces a valid Concealed Pistol License (CPL);
- the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess the firearm and the application is approved; or
- ten business days have elapsed since the application was received by the law enforcement agency, or up to 60 days if the person does not have a Washington driver's license or identification card or has not resided in the state for the previous 90 days.

The dealer must hold delivery of a pistol beyond these time periods if the applicant has an outstanding arrest warrant or the law enforcement agency has notified the dealer of an investigative hold.

An application for a pistol purchase must include identifying information of the applicant and a description of the pistol, including the make, model, and manufacturer's number. A signed application constitutes a waiver of confidentiality for purposes of release of information by mental health facilities and providers upon request of a law enforcement agency to determine the applicant's eligibility to possess firearms. A record of the pistol transfer must be retained by the dealer for six years, a copy of which must be submitted to DOL, which maintains this information in its firearms database.

*Transfers Between Private Persons.* Any sale or transfer of a firearm where neither party is a dealer must be completed through a dealer. The purchaser or transferee must complete and sign all federal, state, and local forms needed for processing the background check. The dealer must process the transaction by complying with all federal and state laws that would apply if the dealer were selling or transferring the firearm from the dealer's inventory.

*Transfers of Rifles and Shotguns.* Under federal law, a dealer must conduct a NICS check for any transfer of a rifle or shotgun to a private person. There is no requirement for a state background check by local law enforcement for these transfers. Non-residents may purchase rifles and shotguns in Washington, and Washington residents may purchase rifles and shotguns in another state, as long as the transaction complies with federal law and the purchaser is eligible to purchase or possess the firearm under the laws of Washington and the other state.

*Persons Under Age 21.* A dealer may not sell a handgun to a person under the age of 21 or a long gun to a person under the age of 18. State law also prohibits a person between the ages of 18 and 21 from possessing a pistol. There are several exceptions to the prohibition against possessing a pistol, including:

- possession of the firearm on the person's private property;
- hunting or trapping under a valid license;
- engaging in an organized competition involving the use of a firearm; or
- the person is a member of the armed forces, while on duty.

**Summary of Bill:** Part I - School Emergency Response System. Subject to amounts appropriated, OSPI must allocate grants to school districts for the purpose of implementing

emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school.

Part II - Students Protecting Students. The Students Protecting Students program (Program) is established within the AGO. The AGO may contract with an organization or call center to provide the Program. The primary purpose of the statewide Program is to provide an anonymous way that students and the community can report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities. The Program must:

- establish a central method of anonymous reporting via telephone, text, or email information;
- require the information be promptly forwarded to the appropriate law enforcement agency or school officials;
- provide that personally identifiable information obtained through the program is confidential and exempt from public disclosure except in limited circumstances; and
- require school districts and schools to teach students and disseminate information about the program beginning in the 2018-19 school year.

Part III - Semiautomatic Rifles or Shotguns with Tactical Features. A semiautomatic rifle or shotgun with tactical features is defined to mean a:

- semiautomatic rifle that has the capacity to accept a detachable magazine and has one or more listed features such as a pistol grip, a folding or telescoping stock, or a flash suppressor;
- semiautomatic, centerfire, or rimfire rifle with a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;
- semiautomatic, centerfire, or rimfire rifle with an overall length of less than 30 inches;
- semiautomatic shotgun that has specified features, or a shotgun with a revolving cylinder; and
- conversion kit or parts from which a semiautomatic rifle or shotgun with tactical features can be assembled if in possession of the same person.

A semiautomatic rifle or shotgun with tactical features does not include antique firearms, a firearm that has been made permanently inoperable, or a firearm that is manually operated by bolt, pump, lever, or slide action.

A dealer may not deliver a semiautomatic rifle or shotgun with tactical features to a purchaser until one of the following occurs:

- the purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's information and completed the required background check;
- the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess the firearm and the application is approved; or
- ten business days have elapsed since the application was received by the law enforcement agency, or up to 60 days if the person does not have a Washington driver's license or identification card or has not resided in the state for the previous 90 days.

Other procedural requirements that apply to the sale or transfer of a pistol, also apply to the sale or transfer of a semiautomatic rifle or shotgun with tactical features:

- an application for purchase must include identifying information of the applicant and a description of the firearm;
- a signed application constitutes a waiver of confidentiality for purposes of release of information;
- a record of the firearm transfer must be retained by the dealer for six years;
- any sale or transfer where neither party is a dealer must be completed through a dealer;
- a person between 18 and 21 years of age may not possess a semiautomatic rifle or shotgun with tactical features unless an exception applies; and
- a person under 21 years of age may not purchase a semiautomatic rifle or shotgun with tactical features.

The license fee for a firearm dealer license is increased from \$125 a year to \$150.

Subject to the availability of amounts appropriated, the Washington Association of Sheriffs and Police Chiefs (WASPC) must establish a grant program for local law enforcement agencies to conduct background checks for the purchase and sale of pistols and semiautomatic rifles and shotguns with tactical features. WASPC may retain up to 3 percent of the amounts provided for the cost of administration.

**Appropriation:** None.

**Fiscal Note:** Requested on February 26, 2018

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Regional support capacity and preventing violence and should be expanded. Tactical firearms share features specifically designed to allow a shooter to engage in rapid fire. It is surprising how devastating rapid fire can be. Tactical, means of or relating to military tactics. The specific design features of these weapons allow for rapid fire with more accuracy. The Mukilteo school shooting which took the lives of several young people, was caused by an angry jealous young man with easy access to an AR-15. If this bill were in effect, the Mukilteo shooting would not have happened as it did and in all likelihood fewer lives would have been lost. It is long overdue to send the message that lives are worth more than allowing people access to easily accessible assault weapons. Unlike past generations, students are anxious to graduate so that they are no longer a target for a mass shooting. This is a common sense but crucial step to make sure that all students make it to graduation. This is not just about feeling safe, but also about needing to be safe. Weapons of war should not be handed willingly to a high school senior. There is nothing marginal about those killed in Mukilteo or Parkland or at other mass shootings. Semi-automatic weapons should be treated the same as handguns. We can be strong for that community and for the communities that will face the prospect of a mass shooting. Honor those dead children by giving life to this bill. This bill invests in stronger background checks for assault weapons that will help prevent senseless deaths. It is easier to get an assault weapon than it is to get a handgun. An assault weapon with a bump stock and a high capacity magazine facilitates killing. There is no place in society for weapons of this

nature. The impacts of gun deaths are devastating and affect survivors for their entire life. Other school safety bills should be included in this legislation. Raising the age limit to purchase AR weapons is consistent with what we now know about how the brain develops. Brain development around impulse control is not fully developed until a person is in their early 20s. This bill will reduce the number and severity of school shootings. The school in Lacey was lucky because no one was shot and that shooter did not have a semi-automatic weapon. Not every teen is typical and those are the teens that you should consider with this bill. This bill sends a big message that you care for our youth.

CON: The NRA supports measures to improve school security and efforts to prevent dangerous criminals and the mentally ill from obtaining firearms but opposes part three of the bill. This bill targets some of the most commonly owned firearms and targets an entire segment of the adult population from owning a commonly owned firearm. Federal and state law already prohibits persons under age 21 from purchasing handguns. This prohibits an entire segment of the population from exercising their right to self-defense. Violent crimes are overwhelmingly committed with handguns. Of the 1100 crimes committed with handguns, 50 were committed with the type that is prohibited by this legislation. This strips civil rights from people who qualify for the draft. You should consider the majority case and not the marginal one when making policy. This removes the rights of certain citizens. Evidence shows that a waiting period does not have an impact on the crime rate. This bill creates a circular reference between state and federal law. The impacts of this bill are unpredictable. The reality of the modern gun market makes it such that most guns are considered semi-automatic. This is a gun bill that is improperly comingled with a school safety bill. This bill will do nothing to reduce crime. Rifles are rarely used in crimes and more people are killed with kitchen knives and baseball bats than with rifles. More people die in texting while driving accidents than are killed in school shootings. Gun control is a false promise by regulating an inanimate object and not addressing personal responsibility. Hiding gun control in a school safety bill is wrong. School safety should not be held hostage over gun control measures. These are popular and common use firearms and the modifications do not make these weapons more or less deadly. It is our constitutional right as Americans and Washingtonians to own deadly weapons.

OTHER: Keeping kids safe is the most important job of the state. Much of the work has been done based on prior legislative efforts to build a school safety network and this supports that work. This program facilitates coordination of funding and first responders. Schools need adequate staffing to support school safety programs.

**Persons Testifying:** PRO: Matthew Thomas, Attorney General's Office; Paul Kramer, citizen; Johna Munsen, citizen; Adam Cornell, Snohomish County Prosecuting Attorney; Beatrice Seaward, citizen; Jim Parsons, citizen; Nyla Fritz, citizen; Julian Ayer, pediatrician; Brady Olson, citizen; Thomas Duhamel, citizen; Sandy Brown, citizen; Greg Lynch, Educational Service District 114; Melissa Gombosky, Association of Educational Service Districts; Martin Mueller, Office of the Superintendent of Public Instruction.

CON: Thomas Oster, Nome; Ira Moser, citizen; Brett Bass, firearms instructor, Bellevue Gun Club; Art Giddings, SKT Research & Industries, Canabalistic, FNRL, WAC, NRA, Front Sight Firearms; Ian Dunleavy, citizen; William Burris, Gun Owners Action League; Roy Lin, citizen; Keely Hopkins, National Rifle Association.

OTHER: Steve Stracha, Washington Association of Sheriffs & Police Chiefs; Jessica Vavrus, Washington State School Directors' Association.

**Persons Signed In To Testify But Not Testifying:** PRO: Anna Justen, student; Kelly Bernado, citizen; Kimi Nolte, citizen; Pat Griffith, League of Women Voters; Nora Carlson, citizen; Tim Whitters, citizen; John Kennedy, citizen; Lena Sullivan, citizen; Diane Studley, citizen; Tom Quigley, citizen; Elizabeth Hirotaka, Black Hills High School; Roz Thompson, Association of Washington School Principals; Thomas Quigley, citizen; Alex Hur, Clear Risk Solutions; Anne Siems, citizen.

OTHER: Charlie Brown, Venuetize.