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**HOUSE BILL 1763**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Young

AN ACT Relating to preparing for and responding to active shooter events and other acts of mass violence at schools; amending RCW 9.41.280; adding a new chapter to Title 28A RCW; providing an expiration date; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The legislature finds that schools across the nation have experienced tragic acts of mass violence, including active shooter events, and are currently unequipped to adequately respond to these events. The legislature finds that institutions and industries, including banking and financial institutions, local governments, and professional sports teams and leagues, among others, employ armed protective services to prevent and respond to these and other acts of violence. The legislature finds that the state, by failing to adequately employ such protective services in schools, is failing to protect the state's most vulnerable people and valuable resource, our children. The legislature finds that the state must respond immediately to protect children in the state.

(2) To protect schools and children in the state, the legislature intends to authorize certain common school and charter school employees, except for classroom teachers, to possess and carry a concealed pistol on school premises if the employee holds a concealed pistol license and has been certified as completing two specialized training courses, including a course on how to safely use a firearm to prevent, stop, and respond to an active shooter event or other act of mass violence at a school, and a course on children's mental health awareness and conflict de-escalation. It is further the legislature's intent that the cost of these training courses be reasonable so they are accessible to all eligible school employees.

NEW SECTION. **Sec.**  (1)(a) A committee on school violence preparedness is established, with thirteen members as provided in this section.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) One member shall be the governor or the governor's designee.

(iv) One member shall be the superintendent of public instruction or the superintendent of public instruction's designee.

(v) One member shall be a representative of the Washington state school directors' association, appointed by the Washington state school directors' association.

(vi) One member shall be a representative of the Washington association of sheriffs and police chiefs, appointed by the Washington association of sheriffs and police chiefs.

(vii) The Washington adjutant general shall appoint one member who has experience with crisis response and who represents the national guard.

(viii) The governor shall appoint one member with special weapons and tactics expertise who represents a state council or organization of police and sheriffs that is not the Washington association of sheriffs and police chiefs.

(ix) The governor shall appoint two members who represent a national alliance or organization on mental illness.

(x) The governor shall appoint one member who represents a national organization representing the interests of firearm owners.

(b) The committee shall choose its chair from among its legislative members and the governor or governor's designee. The governor or the governor's designee shall convene the initial meeting of the committee.

(2) The committee shall perform the following tasks by June 30, 2019:

(a) Establish training curriculum standards that private and public entities may use to develop voluntary training programs offered to common school and charter school employees identified by the committee in (c) of this subsection who hold a concealed pistol license under chapter 9.41 RCW, on the topic of how to safely use a firearm to prevent, stop, and respond to an active shooter event or other act of mass violence at a school;

(b) Establish training curriculum standards that private and public entities may use to develop training programs on the issues of children's mental health awareness and conflict de-escalation; and

(c) Determine which school employees, except for classroom teachers, are eligible for the training described in (a) of this subsection.

(3) Staff support for the committee must be provided by the governor's office, senate committee services, and the office of program research.

(4) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization.

(5) The expenses of the committee must be paid by the governor's office, the senate, and the house of representatives. Committee expenditures are subject to approval by the governor's office, the senate facilities and operations committee, and the house of representatives executive rules committee, or their successor committees.

(6) The committee must submit a report to the legislature by December 1, 2020, that includes the following information:

(a) A description of the training curriculum standards developed by the committee under subsection (2) of this section;

(b) A determination by the committee of which common school and charter school employees, except for classroom teachers, are eligible to undergo the training curriculum developed pursuant to subsection (2)(a) of this section and to possess or carry a concealed pistol on school premises;

(c) The number of common school and charter school employees who have engaged in training offered by public or private entities meeting standards established by the committee in subsection (2) of this section, to the extent this information is available when the report is due; and

(d) Any recommendations or policy considerations for the legislature's consideration.

(7)(a) Committee decisions regarding the adoption of training curriculum standards and determining which employees are eligible for the training developed under the standards established pursuant to subsection (2)(a) of this section must be made by a majority vote. A quorum is required to vote. Seven members of the committee constitute a quorum.

(b) The work of the committee is complete upon the submission of the report required under subsection (6) of this section.

(8) This section expires January 1, 2021.

NEW SECTION. **Sec.**  (1) An employee of a common school or charter school who the committee on school violence preparedness established in section 2 of this act determines is eligible to undergo training on how to safely possess, carry, and, if necessary, use a firearm to respond to an active shooter or act of mass violence at a school, may possess and carry a concealed pistol on school premises, if the employee has:

(a) A valid concealed pistol license issued under chapter 9.41 RCW;

(b) Completed a training program meeting the standards established by the committee in section 2(2)(a) of this act and has been issued a certification from the entity providing the training demonstrating the employee's successful completion of the training; and

(c) Completed a training program meeting the standards established by the committee in section 2(2)(b) of this act and has been issued a certification from the entity providing the training demonstrating the employee's successful completion of the training.

(2)(a) Training offered by a public or private entity meeting the standards established by the committee pursuant to section 2(2) of this act is voluntary for school employees and the cost of training must be paid by the individual employee undergoing the training.

(b) Holding a valid concealed pistol license under chapter 9.41 RCW is a prerequisite to enroll in a training program meeting the standards established by the committee under section 2(2)(a) of this act.

(c) A public or private entity offering training meeting the standards established by the committee under section 2(2) of this act must issue a certification to a common school or charter school employee who successfully completes the training.

(d) Classroom teachers are ineligible to enroll in a training program meeting the standards established by the committee under section 2(2)(a) of this act.

(e) Any school employee, including classroom teachers, may complete a training program meeting standards established by the committee under section 2(2)(b) of this act.

(3) If an employee of a common school or charter school is qualified under subsection (1) of this section to possess and carry a concealed pistol on school grounds, no additional authorization from the school at which the employee works is required and the school may not prohibit the employee from carrying or possessing a concealed pistol on school premises in accordance with this section.

NEW SECTION. **Sec.**  Upon the committee on school violence preparedness's establishment of training curriculum standards and the committee's determination of which school employees are eligible for the training in section 2(2)(a) of this act, the superintendent of public instruction shall promptly adopt rules publishing the training curriculum standards and eligible school employees.

**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~~)) health care authority 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 person authorized under section 3 of this act to possess or carry a concealed pistol on school premises; or

(i) Any law enforcement officer of the federal, state, or local government agency.

(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), and (i) of this section, firearms are not permitted in a public or private school building.

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

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec.**  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 ---**