
HOUSE BILL 1734

State of Washington

62nd Legislature

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By Representatives Klippert, Rolfes, Pearson, McCune, Hope, Finn, Ross, Kelley, and Johnson

Read first time 02/01/11. Referred to Committee on Judiciary.

1 AN ACT Relating to preventing students from possessing sharp-bladed
2 instruments on school facilities; and amending RCW 9.41.280.

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

4 **Sec. 1.** RCW 9.41.280 and 2009 c 453 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;

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

15 (d) Any device, commonly known as "throwing stars", which are
16 multi-pointed, metal objects designed to embed upon impact from any
17 aspect;

18 (e) Any air gun, including any air pistol or air rifle, designed to

1 propel a BB, pellet, or other projectile by the discharge of compressed
2 air, carbon dioxide, or other gas; (~~(e)~~)

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

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

11 (g) Any knife, shank, stiletto, or other similar sharp edged bladed
12 object, implement, or instrument.

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

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

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

35 Within twenty-four hours of the arrest, the arresting law
36 enforcement agency shall refer the person to the designated mental
37 health professional for examination and evaluation under chapter 71.05
38 or 71.34 RCW and inform a parent or guardian of the person of the

1 arrest, detention, and examination. The designated mental health
2 professional shall examine and evaluate the person subject to the
3 provisions of chapter 71.05 or 71.34 RCW. The examination shall occur
4 at the facility in which the person is detained or confined. If the
5 person has been released on probation, bond, or bail, the examination
6 shall occur wherever is appropriate.

7 The designated mental health professional may determine whether to
8 refer the person to the county-designated chemical dependency
9 specialist for examination and evaluation in accordance with chapter
10 70.96A RCW. The county-designated chemical dependency specialist shall
11 examine the person subject to the provisions of chapter 70.96A RCW.
12 The examination shall occur at the facility in which the person is
13 detained or confined. If the person has been released on probation,
14 bond, or bail, the examination shall occur wherever is appropriate.

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

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

27 If the designated mental health professional determines it is
28 appropriate, the designated mental health professional may refer the
29 person to the local regional support network for follow-up services or
30 the department of social and health services or other community
31 providers for other services to the family and individual.

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. However, a person who is not a
37 commissioned law enforcement officer and who provides school security
38 services under the direction of a school administrator may not possess

1 a device listed in subsection (1)(f) of this section unless he or she
2 has successfully completed training in the use of such devices that is
3 equivalent to the training received by commissioned law enforcement
4 officers;

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

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

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

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

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

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

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

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

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

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

1 school grounds.

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