

HOUSE BILL ANALYSIS

SSB 5214

Title: An act relating to detention of minors who illegally possess firearms on school facilities.

Brief Description: Providing for additional investigations when a student is charged with possession of a firearm on school facilities.

Sponsors: Senate Committee on Education (originally sponsored by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley).

Brief Summary of Bill

- Requires immediate notification of a mental health professional whenever a minor is arrested for possession of a firearm on school grounds.
- Requires such a minor who is over the age of 10 to be detained by juvenile authorities for at least 24 hours pending mental health evaluation and possible chemical dependency evaluation.
- Requires search of a student's possessions and locker whenever there are reasonable grounds to suspect the student illegally possesses a firearm.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

Background:

Incidents of violence in schools in this state and elsewhere have raised concerns about ensuring and promoting school safety. Several laws already in place deal with dangerous weapons in schools and with the confinement and treatment of dangerously mentally ill persons.

Possession of Dangerous Weapons on School Property. With several exceptions, it is a gross misdemeanor under the state's firearms law for a person to possess a firearm or other dangerous weapon on school property. Exceptions are provided for various persons and for students under certain circumstances, such as involvement in firearms training events. School officials must promptly report violations of this law to law enforcement agencies and to the parents of a student involved. School administrators are also required to report annually to the Superintendent of Public Instruction on the

number of violations of this law. These criminal provisions, exceptions, and reporting requirements apply to public and private elementary and secondary schools.

Under the state's education code, if a student at a public elementary or secondary school possesses a firearm on school property, the student must be expelled for at least one year. However, the superintendent of the school may modify the expulsion.

Mental Health Evaluations and Commitments. Minors or adults may be referred for psychological evaluation and possible voluntary or involuntary treatment of a mental disorder. Under the mental health services for minors law, school officials and others may refer a minor student for evaluation and possible inpatient treatment. This law has procedural requirements for reviewing decisions about treatment and has substantive standards regarding who may be involuntarily detained or committed for inpatient treatment.

Generally, a person may be subject to these laws if he or she suffers from a "mental disorder" and as a result presents a "likelihood of serious harm."

- A mental disorder is defined as "any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions."
- A likelihood of serious harm is defined as either:
 - presenting a substantial risk of inflicting physical harm on self or others, or on the property of others, as evidenced by threats or attempts or other behavior; or
 - threatening the physical safety of another coupled with a history of at least one violent act.

Evaluations under the involuntary commitment laws are done by a "county-designated mental health professional" (CDMHP). Evaluations of minors must be done by a CDMHP who is a "children's mental health specialist." A CDMHP is a mental health professional appointed by one or more counties to do evaluations under the involuntary commitment laws. A CDMHP may be a psychiatrist, psychologist, psychiatric nurse, or social worker, or other mental health professional authorized by the Department of Social and Health Services. A children's mental health specialist is a CDMHP who has had at least 100 hours of specialized training and who has had at least one year's experience in treating children under the supervision of another children's mental health specialist.

Minors over the age of 12 may be committed for involuntary treatment without parental consent. Younger minors may not be committed without parental consent.

Whenever a CDMHP determines that a minor qualifies for involuntary treatment, the minor may be taken to an evaluation and treatment facility. Within 24 hours of admission, the minor must be evaluated by a children's mental health specialist, and within 72 hours must be afforded a hearing. Initial commitments are for up to 14 days. At any time during that period, a commitment of up to 180 days may be sought. Thereafter, successive 180-day commitments may be sought if a petition is filed with the court at least five days before the expiration of the current commitment. Upon reaching age 18, a person must be released or committed for treatment under the adult involuntary commitment law.

Similar procedures exist for the involuntary treatment of minors with chemical dependencies.

Student Locker Searches. Under court decisions and state statute, school officials are authorized to search a student's possessions and locker if there are reasonable grounds to suspect the search will yield evidence of a violation of the law or of school rules.

Summary of Bill:

Whenever a minor is arrested for illegally possessing a firearm on school grounds, he or she must be immediately referred to a CDMHP.

If the minor is at least 10 years old, juvenile correctional authorities must detain and confine him or her for at least 24 hours. The minor may not be released on probation bond until after an interview by a CDMHP. If the CDMHP recommends evaluation for chemical dependency, then the minor may not be released until after an assessment by a chemical dependency specialist.

Search of a student's possessions and locker is made mandatory if there are reasonable grounds to suspect the student possesses a firearm illegally.

Fiscal Note: Available.

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

Office of Program Research