

# HOUSE BILL REPORT

## ESSB 5263

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### As Passed House:

April 8, 2009

**Title:** An act relating to prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

**Brief Description:** Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom).

### Brief History:

#### Committee Activity:

Judiciary: 3/18/09, 3/19/09 [DP].

#### Floor Activity

Passed House: 4/8/09, 75-23.

### Brief Summary of Engrossed Substitute Bill

- Prohibits a person from possessing or bringing onto school property a stun gun or any device or object used or intended to be used as a weapon with the intent to injure a person with an electric shock, charge, or impulse.
- Provides that a school security officer who is not a commissioned law enforcement officer may not possess electric shock devices on school property unless the person has received training and prohibits the security officer from using a device on a student unless the student's behavior poses a threat of great bodily harm or loss of life.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts and Ross.

**Minority Report:** Do not pass. Signed by 1 member: Representative Warnick.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Edie Adams (786-7180)

**Background:**

With several exceptions, it is a gross misdemeanor for a person to possess dangerous weapons on public or private elementary or secondary school property. The following dangerous weapons are prohibited: firearms; nun-chu-ka sticks; throwing stars; air guns; and "dangerous weapons" listed under another statute as slung shots, sand clubs, metal knuckles, devices for suppressing the noise of a firearm, and certain knives, such as switchblades.

School property includes school premises, transportation systems, and areas of any facility while being used exclusively by a public or private school.

Exemptions from the ban on possession of dangerous weapons are made for law enforcement, security or military personnel, persons involved in firearms safety events or competitions, persons with concealed pistol licenses who are picking up or dropping off students, and non-students 18 years or older in lawful possession of a dangerous weapon that is secured in a vehicle. In addition, an exemption is provided for any person possessing nun-chu-ka sticks, throwing stars, or other dangerous weapons for use in an authorized martial arts class.

An elementary or secondary school student who brings a prohibited weapon to school is subject to expulsion. The school must immediately notify law enforcement and the student's parent or guardian of the violation.

**Summary of Bill:**

The list of weapons prohibited on school grounds is expanded to include: a portable device manufactured to function as a weapon and which is commonly known as a stun gun; and a device or object 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.

An exemption is provided for any person who possesses a stun gun for a purpose approved by the school for use in a school authorized event or activity.

The exemption in current law for persons providing school district security activities is amended to provide that a school security officer who is not a commissioned law enforcement officer may not possess a stun gun or other electric shock device on school property unless the person has successfully completed training in the use of the device that is equivalent to the training received by commissioned law enforcement officers. A school security officer who is not a commissioned law enforcement officer is prohibited from using a stun gun or other electric shock device on or against a student unless the student's behavior poses a threat of great bodily harm or loss of life.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) When kids bring guns or knives to school it is very clear that those items are prohibited. There is no law on the books that specifically prohibits stun guns at schools. The bill comes from a real incident where a student used the batteries from a disposable camera to configure a stun gun that he tried to use against another student. There is no good reason for a child to bring a stun gun to school. The bill closes a loophole and will help provide a safe learning environment for children. The exemption is for the legitimate use of shocking devices in approved classes, such as Future Farmers of America classes.

(Opposed) None.

**Persons Testifying:** Ed Holmes and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.