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**SUBSTITUTE SENATE BILL 5263**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Hargrove, Brandland, and Tom)

READ FIRST TIME 02/10/09.

1       AN ACT Relating to prohibiting devices in schools that are designed  
2 to administer to a person or an animal an electric shock, charge, or  
3 impulse; amending RCW 9.41.280; and prescribing penalties.

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

5       **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read  
6 as follows:

7       (1) It is unlawful for a person to carry onto, or to possess on,  
8 public or private elementary or secondary school premises, school-  
9 provided transportation, or areas of facilities while being used  
10 exclusively by public or private schools:

11       (a) Any firearm;

12       (b) Any other dangerous weapon as defined in RCW 9.41.250;

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

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

1 (e) Any air gun, including any air pistol or air rifle, designed to  
2 propel a BB, pellet, or other projectile by the discharge of compressed  
3 air, carbon dioxide, or other gas; or

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

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

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

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

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

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

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

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

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

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

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

33 (3) Subsection (1) of this section does not apply to:

34 (a) Any student or employee of a private military academy when on  
35 the property of the academy;

36 (b) Any person engaged in military, law enforcement, or school  
37 district security activities;

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

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

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

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

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

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

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

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

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

31 ~~((+6+))~~ (7) "GUN-FREE ZONE" signs shall be posted around school  
32 facilities giving warning of the prohibition of the possession of  
33 firearms on school grounds.

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