
SENATE BILL 5977

State of Washington

66th Legislature

2019 Regular Session

By Senator Fortunato

1 AN ACT Relating to allowing public school districts and private
2 schools to adopt a policy authorizing permanent employees to possess
3 firearms on school grounds under certain conditions; amending RCW
4 9.41.280; adding a new section to chapter 28A.320 RCW; adding a new
5 section to chapter 28A.195 RCW; adding a new section to chapter
6 43.101 RCW; creating new sections; making an appropriation; and
7 declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** This act may be known and cited as the
10 safer schools act of 2019.

11 NEW SECTION. **Sec. 2.** According to Article IX of the Washington
12 state Constitution it is the paramount duty of the state to provide
13 for basic education. The legislature finds that pursuant to this
14 duty, basic education requires a safe learning environment. The
15 legislature finds that local school boards are required by federal
16 law to adopt school safety plans and existing public law already
17 allows local school boards to use school resource officers or hire
18 private security officers. The legislature further finds that for
19 some school districts this can be cost-prohibitive. It is the intent
20 of the legislature to provide local school boards additional options

1 to provide for school safety and ensure that Washington state is in
2 compliance with all provisions of the United States Constitution,
3 federal law, and Article I, section 24 of the Washington state
4 Constitution.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
6 RCW to read as follows:

7 (1) The board of directors of a school district may adopt a
8 written policy authorizing one or more permanent employees of a
9 school located within the school district to possess firearms on
10 school grounds. The written policy must address:

11 (a) A procedure for implementing the written policy within the
12 school district, including a process for authorizing permanent
13 employees to possess firearms under the written policy and
14 determining that the requirements of the written policy are met;

15 (b) The training and eligibility requirements that apply to
16 permanent employees who are authorized to possess firearms under the
17 written policy. The training and eligibility requirements must
18 include, at a minimum, the requirements of subsection (3) of this
19 section, and may include additional requirements as determined by the
20 board;

21 (c) The number of permanent employees who are authorized to
22 possess firearms at schools within the school district;

23 (d) The types of firearms and ammunition that are allowed on
24 school grounds; and

25 (e) Standards specifying the manner in which firearms must be
26 possessed and stored, and the circumstances under which a firearm may
27 be used. The written policy must require that permanent employees who
28 are authorized to possess firearms must keep the firearm concealed
29 while on school grounds except in circumstances authorized under the
30 written policy.

31 (2) A board that adopts a written policy authorizing permanent
32 employees to possess firearms on school grounds must notify local law
33 enforcement agencies within the school district of the adoption of
34 the policy.

35 (3) A permanent employee is not authorized to possess a firearm
36 on school grounds under this section unless the permanent employee
37 has:

38 (a) Obtained a valid concealed pistol license issued under RCW
39 9.41.070;

1 (b) Successfully completed a firearms training program approved
2 by the criminal justice training commission under section 5 of this
3 act; and

4 (c) Been approved by the board to possess a firearm on school
5 grounds under the written policy.

6 (4) Permanent employees who are authorized under this section to
7 possess firearms on school grounds are responsible for obtaining an
8 approved firearm and ammunition, and paying the costs of the required
9 training program under section 5 of this act. The board may elect to
10 provide reimbursement to permanent employees for these expenses.

11 (5) The school district, the board, and permanent employees who
12 are authorized to possess firearms on school grounds pursuant to a
13 written policy that complies with the requirements of this section
14 are not liable for damages in any action arising from acts or
15 omissions in responding to an incident that threatens the safety or
16 security of the school or its students or employees, other than acts
17 or omissions constituting recklessness or willful or wanton
18 misconduct.

19 (6) For the purposes of this section:

20 (a) "Board" means the board of directors of a school district;

21 (b) "Permanent employee" means a teacher, administrator, or other
22 person under a continuing or renewable employment contract with the
23 school district for a period of not less than one school year, but
24 does not include a person who is in provisional or temporary status;
25 and

26 (c) "School grounds" means elementary or secondary school
27 premises, school-provided transportation, or areas of facilities
28 while being used exclusively by schools.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.195
30 RCW to read as follows:

31 Private schools are authorized to adopt a written policy allowing
32 school employees to possess firearms on school grounds if done in
33 accordance with the standards established in section 3 of this act.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101
35 RCW to read as follows:

36 The commission shall establish a firearms training and education
37 program for permanent employees of school districts authorized to
38 possess firearms on school grounds under section 3 or 4 of this act.

1 The commission shall adopt rules establishing the fees, training
2 requirements, and procedures for obtaining the required training. The
3 fees charged by the commission shall recover the costs incurred by
4 the commission in developing and administering the program.

5 NEW SECTION. **Sec. 6.** The sum of twenty-five thousand dollars,
6 or as much thereof as may be necessary, is appropriated for the
7 fiscal year ending June 30, 2019, from the general fund to the
8 Washington state criminal justice training commission for the
9 purposes of section 5 of this act.

10 **Sec. 7.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended
11 to read as follows:

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

16 (a) Any firearm;

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

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

21 (d) Any device, commonly known as "throwing stars," which are
22 multipointed, metal objects designed to embed upon impact from any
23 aspect;

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

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

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

35 (2) Any such person violating subsection (1) of this section is
36 guilty of a gross misdemeanor. If any person is convicted of a
37 violation of subsection (1)(a) of this section, the person shall have
38 his or her concealed pistol license, if any revoked for a period of

1 three years. Anyone convicted under this subsection is prohibited
2 from applying for a concealed pistol license for a period of three
3 years. The court shall send notice of the revocation to the
4 department of licensing, and the city, town, or county which issued
5 the license.

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

12 Upon the arrest of a person at least twelve years of age and not
13 more than twenty-one years of age for violating subsection (1)(a) of
14 this section, the person shall be detained or confined in a juvenile
15 or adult facility for up to seventy-two hours. The person shall not
16 be released within the seventy-two hours until after the person has
17 been examined and evaluated by the designated crisis responder unless
18 the court in its discretion releases the person sooner after a
19 determination regarding probable cause or on probation bond or bail.

20 Within twenty-four hours of the arrest, the arresting law
21 enforcement agency shall refer the person to the designated crisis
22 responder for examination and evaluation under chapter 71.05 or 71.34
23 RCW and inform a parent or guardian of the person of the arrest,
24 detention, and examination. The designated crisis responder shall
25 examine and evaluate the person subject to the provisions of chapter
26 71.05 or 71.34 RCW. The examination shall occur at the facility in
27 which the person is detained or confined. If the person has been
28 released on probation, bond, or bail, the examination shall occur
29 wherever is appropriate.

30 Upon completion of any examination by the designated crisis
31 responder, the results of the examination shall be sent to the court,
32 and the court shall consider those results in making any
33 determination about the person.

34 The designated crisis responder shall, to the extent permitted by
35 law, notify a parent or guardian of the person that an examination
36 and evaluation has taken place and the results of the examination.
37 Nothing in this subsection prohibits the delivery of additional,
38 appropriate mental health examinations to the person while the person
39 is detained or confined.

1 If the designated crisis responder determines it is appropriate,
2 the designated crisis responder may refer the person to the local
3 behavioral health organization for follow-up services or the
4 (~~department of social and health services~~) health care authority or
5 other community providers for other services to the family and
6 individual.

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

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

10 (b) Any person engaged in military, law enforcement, or school
11 district security activities. However, a person who is not a
12 commissioned law enforcement officer and who provides school security
13 services under the direction of a school administrator may not
14 possess a device listed in subsection (1)(f) of this section unless
15 he or she has successfully completed training in the use of such
16 devices that is equivalent to the training received by commissioned
17 law enforcement officers;

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

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

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

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

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

35 (h) Any law enforcement officer of the federal, state, or local
36 government agency; or

37 (i) Any permanent employee who is authorized to possess a firearm
38 on school grounds under section 3 or 4 of this act.

39 (4) Subsections (1)(c) and (d) of this section do not apply to
40 any person who possesses nun-chu-ka sticks, throwing stars, or other

1 dangerous weapons to be used in martial arts classes authorized to be
2 conducted on the school premises.

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

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

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

14 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and takes
17 effect immediately.

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