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HOUSE BILL 3008

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Pike, Shea, Walsh, Taylor, Dent, Condotta,  
McCaslin, Hargrove, and Holy

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 and 9.41.280; adding a new section to chapter 28A.320 RCW;  
5 adding a new section to chapter 28A.195 RCW; adding a new section to  
6 chapter 43.101 RCW; creating new sections; making an appropriation;  
7 providing an effective date; providing an expiration date; and  
8 declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
11 safer schools act of 2018.

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

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

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

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

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

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

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

24 (d) The types of firearms and ammunition that may be possessed on  
25 school grounds; and

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

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

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

1 (a) Obtained a valid concealed pistol license issued under RCW  
2 9.41.070;

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

6 (c) Been approved by the board as authorized to possess a firearm  
7 on school grounds under the written policy.

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

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

21 (6) For the purposes of this section:

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

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

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

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

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

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

1 The commission shall establish a firearms training and education  
2 program for permanent employees of school districts authorized to  
3 possess firearms on school grounds under section 3 or 4 of this act.  
4 The commission shall adopt rules establishing the fees, training  
5 requirements, and procedures for obtaining the required training. The  
6 fees charged by the commission shall recover the costs incurred by  
7 the commission in developing and administering the program.

8 NEW SECTION. **Sec. 6.** The sum of twenty-five thousand dollars,  
9 or as much thereof as may be necessary, is appropriated for the  
10 fiscal year ending June 30, 2018, from the general fund to the  
11 Washington state criminal justice training commission for the  
12 purposes of section 5 of this act.

13 **Sec. 7.** RCW 9.41.280 and 2014 c 225 s 56 are each amended to  
14 read as follows:

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

19 (a) Any firearm;

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

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

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

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

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

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

1 (2) Any such person violating subsection (1) of this section is  
2 guilty of a gross misdemeanor. If any person is convicted of a  
3 violation of subsection (1)(a) of this section, the person shall have  
4 his or her concealed pistol license, if any revoked for a period of  
5 three years. Anyone convicted under this subsection is prohibited  
6 from applying for a concealed pistol license for a period of three  
7 years. The court shall send notice of the revocation to the  
8 department of licensing, and the city, town, or county which issued  
9 the license.

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

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

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

35 The designated mental health professional may determine whether  
36 to refer the person to the county-designated chemical dependency  
37 specialist for examination and evaluation in accordance with chapter  
38 70.96A RCW. The county-designated chemical dependency specialist  
39 shall examine the person subject to the provisions of chapter 70.96A  
40 RCW. The examination shall occur at the facility in which the person

1 is detained or confined. If the person has been released on  
2 probation, bond, or bail, the examination shall occur wherever is  
3 appropriate.

4 Upon completion of any examination by the designated mental  
5 health professional or the county-designated chemical dependency  
6 specialist, the results of the examination shall be sent to the  
7 court, and the court shall consider those results in making any  
8 determination about the person.

9 The designated mental health professional and county-designated  
10 chemical dependency specialist shall, to the extent permitted by law,  
11 notify a parent or guardian of the person that an examination and  
12 evaluation has taken place and the results of the examination.  
13 Nothing in this subsection prohibits the delivery of additional,  
14 appropriate mental health examinations to the person while the person  
15 is detained or confined.

16 If the designated mental health professional determines it is  
17 appropriate, the designated mental health professional may refer the  
18 person to the local behavioral health organization for follow-up  
19 services or the department of social and health services or other  
20 community providers for other services to the family and individual.

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

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

24 (b) Any person engaged in military, law enforcement, or school  
25 district security activities. However, a person who is not a  
26 commissioned law enforcement officer and who provides school security  
27 services under the direction of a school administrator may not  
28 possess a device listed in subsection (1)(f) of this section unless  
29 he or she has successfully completed training in the use of such  
30 devices that is equivalent to the training received by commissioned  
31 law enforcement officers;

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

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

38 (e) Any person in possession of a pistol who has been issued a  
39 license under RCW 9.41.070, or is exempt from the licensing

1 requirement by RCW 9.41.060, while picking up or dropping off a  
2 student;

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

7 (g) Any nonstudent at least eighteen years of age who is in  
8 lawful possession of an unloaded firearm, secured in a vehicle while  
9 conducting legitimate business at the school; (~~(e)~~)

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

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

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

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

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

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

29 **Sec. 8.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended  
30 to read as follows:

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

35 (a) Any firearm;

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

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

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

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

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

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

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

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

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

38 Within twenty-four hours of the arrest, the arresting law  
39 enforcement agency shall refer the person to the designated crisis  
40 responder for examination and evaluation under chapter 71.05 or 71.34



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

8 Upon completion of any examination by the designated crisis  
9 responder, the results of the examination shall be sent to the court,  
10 and the court shall consider those results in making any  
11 determination about the person.

12 The designated crisis responder shall, to the extent permitted by  
13 law, notify a parent or guardian of the person that an examination  
14 and evaluation has taken place and the results of the examination.  
15 Nothing in this subsection prohibits the delivery of additional,  
16 appropriate mental health examinations to the person while the person  
17 is detained or confined.

18 If the designated crisis responder determines it is appropriate,  
19 the designated crisis responder may refer the person to the local  
20 behavioral health organization for follow-up services or the  
21 department of social and health services or other community providers  
22 for other services to the family and individual.

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

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

26 (b) Any person engaged in military, law enforcement, or school  
27 district security activities. However, a person who is not a  
28 commissioned law enforcement officer and who provides school security  
29 services under the direction of a school administrator may not  
30 possess a device listed in subsection (1)(f) of this section unless  
31 he or she has successfully completed training in the use of such  
32 devices that is equivalent to the training received by commissioned  
33 law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

31 NEW SECTION. Sec. 9. Section 7 of this act expires April 1,  
32 2018.

33 NEW SECTION. Sec. 10. Section 8 of this act takes effect April  
34 1, 2018.

35 NEW SECTION. Sec. 11. Except for section 8 of this act, this  
36 act is necessary for the immediate preservation of the public peace,

1 health, or safety, or support of the state government and its  
2 existing public institutions, and takes effect immediately.

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