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HOUSE BILL 3007

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Young, Van Werven, Holy, and McCaslin

1 AN ACT Relating to preparing for and responding to active shooter  
2 events and other acts of mass violence at schools; amending RCW  
3 9.41.280 and 9.41.280; adding a new chapter to Title 28A RCW;  
4 providing an effective date; providing an expiration date; and  
5 declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that schools  
8 across the nation have experienced tragic acts of mass violence,  
9 including active shooter events, and are currently unequipped to  
10 adequately respond to these events. The legislature finds that  
11 institutions and industries, including banking and financial  
12 institutions, local governments, and professional sports teams and  
13 leagues, among others, employ armed protective services to prevent  
14 and respond to these and other acts of violence. The legislature  
15 finds that the state, by failing to adequately employ such protective  
16 services in schools, is failing to protect the state's most  
17 vulnerable people and valuable resource, our children. The  
18 legislature finds that the state must respond immediately to protect  
19 children in the state.

20 (2) To protect schools and children in the state, the legislature  
21 intends to authorize certain common school and charter school

1 employees, except for classroom teachers, to possess and carry a  
2 concealed pistol on school premises if the employee holds a concealed  
3 pistol license and has been certified as completing two specialized  
4 training courses, including a course on how to safely use a firearm  
5 to prevent, stop, and respond to an active shooter event or other act  
6 of mass violence at a school, and a course on children's mental  
7 health awareness and conflict de-escalation. It is further the  
8 legislature's intent that the cost of these training courses be  
9 reasonable so they are accessible to all eligible school employees.

10 NEW SECTION. **Sec. 2.** (1)(a) A committee on school violence  
11 preparedness is established, with thirteen members as provided in  
12 this section.

13 (i) The president of the senate shall appoint one member from  
14 each of the two largest caucuses of the senate.

15 (ii) The speaker of the house of representatives shall appoint  
16 one member from each of the two largest caucuses of the house of  
17 representatives.

18 (iii) One member shall be the governor or the governor's  
19 designee.

20 (iv) One member shall be the superintendent of public instruction  
21 or the superintendent of public instruction's designee.

22 (v) One member shall be a representative of the Washington state  
23 school directors' association, appointed by the Washington state  
24 school directors' association.

25 (vi) One member shall be a representative of the Washington  
26 association of sheriffs and police chiefs, appointed by the  
27 Washington association of sheriffs and police chiefs.

28 (vii) The Washington adjutant general shall appoint one member  
29 who has experience with crisis response and who represents the  
30 national guard.

31 (viii) The governor shall appoint one member with special weapons  
32 and tactics expertise who represents a state council or organization  
33 of police and sheriffs that is not the Washington association of  
34 sheriffs and police chiefs.

35 (ix) The governor shall appoint two members who represent a  
36 national alliance or organization on mental illness.

37 (x) The governor shall appoint one member who represents a  
38 national organization representing the interests of firearm owners.

1 (b) The committee shall choose its chair from among its  
2 legislative members and the governor or governor's designee. The  
3 governor or the governor's designee shall convene the initial meeting  
4 of the committee.

5 (2) The committee shall perform the following tasks by June 30,  
6 2018:

7 (a) Establish training curriculum standards that private and  
8 public entities may use to develop voluntary training programs  
9 offered to common school and charter school employees identified by  
10 the committee in (c) of this subsection who hold a concealed pistol  
11 license under chapter 9.41 RCW, on the topic of how to safely use a  
12 firearm to prevent, stop, and respond to an active shooter event or  
13 other act of mass violence at a school;

14 (b) Establish training curriculum standards that private and  
15 public entities may use to develop training programs on the issues of  
16 children's mental health awareness and conflict de-escalation; and

17 (c) Determine which school employees, except for classroom  
18 teachers, are eligible for the training described in (a) of this  
19 subsection.

20 (3) Staff support for the committee must be provided by the  
21 governor's office, senate committee services, and the office of  
22 program research.

23 (4) Legislative members of the committee are reimbursed for  
24 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
25 members are not entitled to be reimbursed for travel expenses if they  
26 are elected officials or are participating on behalf of an employer,  
27 governmental entity, or other organization.

28 (5) The expenses of the committee must be paid by the governor's  
29 office, the senate, and the house of representatives. Committee  
30 expenditures are subject to approval by the governor's office, the  
31 senate facilities and operations committee, and the house of  
32 representatives executive rules committee, or their successor  
33 committees.

34 (6) The committee must submit a report to the legislature by  
35 December 1, 2019, that includes the following information:

36 (a) A description of the training curriculum standards developed  
37 by the committee under subsection (2) of this section;

38 (b) A determination by the committee of which common school and  
39 charter school employees, except for classroom teachers, are eligible  
40 to undergo the training curriculum developed pursuant to subsection

1 (2)(a) of this section and to possess or carry a concealed pistol on  
2 school premises;

3 (c) The number of common school and charter school employees who  
4 have engaged in training offered by public or private entities  
5 meeting standards established by the committee in subsection (2) of  
6 this section, to the extent this information is available when the  
7 report is due; and

8 (d) Any recommendations or policy considerations for the  
9 legislature's consideration.

10 (7)(a) Committee decisions regarding the adoption of training  
11 curriculum standards and determining which employees are eligible for  
12 the training developed under the standards established pursuant to  
13 subsection (2)(a) of this section must be made by a majority vote. A  
14 quorum is required to vote. Seven members of the committee constitute  
15 a quorum.

16 (b) The work of the committee is complete upon the submission of  
17 the report required under subsection (6) of this section.

18 (8) This section expires January 1, 2020.

19 NEW SECTION. **Sec. 3.** (1) An employee of a common school or  
20 charter school who the committee on school violence preparedness  
21 established in section 2 of this act determines is eligible to  
22 undergo training on how to safely possess, carry, and, if necessary,  
23 use a firearm to respond to an active shooter or act of mass violence  
24 at a school, may possess and carry a concealed pistol on school  
25 premises, if the employee has:

26 (a) A valid concealed pistol license issued under chapter 9.41  
27 RCW;

28 (b) Completed a training program meeting the standards  
29 established by the committee in section 2(2)(a) of this act and has  
30 been issued a certification from the entity providing the training  
31 demonstrating the employee's successful completion of the training;  
32 and

33 (c) Completed a training program meeting the standards  
34 established by the committee in section 2(2)(b) of this act and has  
35 been issued a certification from the entity providing the training  
36 demonstrating the employee's successful completion of the training.

37 (2)(a) Training offered by a public or private entity meeting the  
38 standards established by the committee pursuant to section 2(2) of

1 this act is voluntary for school employees and the cost of training  
2 must be paid by the individual employee undergoing the training.

3 (b) Holding a valid concealed pistol license under chapter 9.41  
4 RCW is a prerequisite to enroll in a training program meeting the  
5 standards established by the committee under section 2(2)(a) of this  
6 act.

7 (c) A public or private entity offering training meeting the  
8 standards established by the committee under section 2(2) of this act  
9 must issue a certification to a common school or charter school  
10 employee who successfully completes the training.

11 (d) Classroom teachers are ineligible to enroll in a training  
12 program meeting the standards established by the committee under  
13 section 2(2)(a) of this act.

14 (e) Any school employee, including classroom teachers, may  
15 complete a training program meeting standards established by the  
16 committee under section 2(2)(b) of this act.

17 (3) If an employee of a common school or charter school is  
18 qualified under subsection (1) of this section to possess and carry a  
19 concealed pistol on school grounds, no additional authorization from  
20 the school at which the employee works is required and the school may  
21 not prohibit the employee from carrying or possessing a concealed  
22 pistol on school premises in accordance with this section.

23 NEW SECTION. **Sec. 4.** Upon the committee on school violence  
24 preparedness's establishment of training curriculum standards and the  
25 committee's determination of which school employees are eligible for  
26 the training in section 2(2)(a) of this act, the superintendent of  
27 public instruction shall promptly adopt rules publishing the training  
28 curriculum standards and eligible school employees.

29 **Sec. 5.** RCW 9.41.280 and 2014 c 225 s 56 are each amended to  
30 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;

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

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

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

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

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

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

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

33 Upon the arrest of a person at least twelve years of age and not  
34 more than twenty-one years of age for violating subsection (1)(a) of  
35 this section, the person shall be detained or confined in a juvenile  
36 or adult facility for up to seventy-two hours. The person shall not  
37 be released within the seventy-two hours until after the person has  
38 been examined and evaluated by the designated mental health  
39 professional unless the court in its discretion releases the person

1 sooner after a determination regarding probable cause or on probation  
2 bond or bail.

3 Within twenty-four hours of the arrest, the arresting law  
4 enforcement agency shall refer the person to the designated mental  
5 health professional for examination and evaluation under chapter  
6 71.05 or 71.34 RCW and inform a parent or guardian of the person of  
7 the arrest, detention, and examination. The designated mental health  
8 professional shall examine and evaluate the person subject to the  
9 provisions of chapter 71.05 or 71.34 RCW. The examination shall occur  
10 at the facility in which the person is detained or confined. If the  
11 person has been released on probation, bond, or bail, the examination  
12 shall occur wherever is appropriate.

13 The designated mental health professional may determine whether  
14 to refer the person to the county-designated chemical dependency  
15 specialist for examination and evaluation in accordance with chapter  
16 70.96A RCW. The county-designated chemical dependency specialist  
17 shall examine the person subject to the provisions of chapter 70.96A  
18 RCW. The examination shall occur at the facility in which the person  
19 is detained or confined. If the person has been released on  
20 probation, bond, or bail, the examination shall occur wherever is  
21 appropriate.

22 Upon completion of any examination by the designated mental  
23 health professional or the county-designated chemical dependency  
24 specialist, the results of the examination shall be sent to the  
25 court, and the court shall consider those results in making any  
26 determination about the person.

27 The designated mental health professional and county-designated  
28 chemical dependency specialist shall, to the extent permitted by law,  
29 notify a parent or guardian of the person that an examination and  
30 evaluation has taken place and the results of the examination.  
31 Nothing in this subsection prohibits the delivery of additional,  
32 appropriate mental health examinations to the person while the person  
33 is detained or confined.

34 If the designated mental health professional determines it is  
35 appropriate, the designated mental health professional may refer the  
36 person to the local behavioral health organization for follow-up  
37 services or the department of social and health services or other  
38 community providers for other services to the family and individual.

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

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

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

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

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

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

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

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

28 (h) Any person authorized under section 3 of this act to possess  
29 or carry a concealed pistol on school premises; or

30 (i) Any law enforcement officer of the federal, state, or local  
31 government agency.

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

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

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

4 (7) "GUN-FREE ZONE" signs shall be posted around school  
5 facilities giving warning of the prohibition of the possession of  
6 firearms on school grounds.

7 **Sec. 6.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended  
8 to read as follows:

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

13 (a) Any firearm;

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

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

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

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

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

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

32 (2) Any such person violating subsection (1) of this section is  
33 guilty of a gross misdemeanor. If any person is convicted of a  
34 violation of subsection (1)(a) of this section, the person shall have  
35 his or her concealed pistol license, if any revoked for a period of  
36 three years. Anyone convicted under this subsection is prohibited  
37 from applying for a concealed pistol license for a period of three  
38 years. The court shall send notice of the revocation to the

1 department of licensing, and the city, town, or county which issued  
2 the license.

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

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

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

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

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

37 If the designated crisis responder determines it is appropriate,  
38 the designated crisis responder may refer the person to the local  
39 behavioral health organization for follow-up services or the

1 department of social and health services or other community providers  
2 for other services to the family and individual.

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

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

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

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

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

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

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

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

31 (h) Any person authorized under section 3 of this act to possess  
32 or carry a concealed pistol on school premises; or

33 (i) Any law enforcement officer of the federal, state, or local  
34 government agency.

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

39 (5) Subsection (1)(f)(i) of this section does not apply to any  
40 person who possesses a device listed in subsection (1)(f)(i) of this

1 section, if the device is possessed and used solely for the purpose  
2 approved by a school for use in a school authorized event, lecture,  
3 or activity conducted on the school premises.

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

7 (7) "GUN-FREE ZONE" signs shall be posted around school  
8 facilities giving warning of the prohibition of the possession of  
9 firearms on school grounds.

10 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act  
11 constitute a new chapter in Title 28A RCW.

12 NEW SECTION. **Sec. 8.** Section 5 of this act expires April 1,  
13 2018.

14 NEW SECTION. **Sec. 9.** Section 6 of this act takes effect April  
15 1, 2018.

16 NEW SECTION. **Sec. 10.** Except for section 6 of this act, this  
17 act is necessary for the immediate preservation of the public peace,  
18 health, or safety, or support of the state government and its  
19 existing public institutions, and takes effect immediately.

--- END ---