

Initiative Measure No. 1109

FILED

MAY 24 2010

SECRETARY OF STATE
STATE OF WASHINGTON

1 AN ACT Relating to prohibiting martial arts weapons in certain
2 school facilities; amending RCW 9.41.280; adding a new section to
3 chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; and
4 providing an effective date.

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9.41.280 and 2009 c 453 s 1 are each amended to read
7 as follows:

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

12 (a) Any firearm;

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

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

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

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

4 (d) Any type of martial arts weapon, regardless of whether the
5 planned use of the weapon is to be used in a class, demonstration,
6 tournament or competition, or self-defense; or

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

12 (ii) Any device, object, or instrument which is used or intended to
13 be used as a weapon with the intent to injure a person by an electric
14 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 from
20 applying for a concealed pistol license for a period of three years.
21 The court shall send notice of the revocation to the department of
22 licensing, and the city, town, or county which issued the license.

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

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

37 Within twenty-four hours of the arrest, the arresting law
38 enforcement agency shall refer the person to the designated mental

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

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

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

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

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

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

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

37 (b) Any person engaged in military, law enforcement, or school
38 district security activities. However, a person who is not a

1 commissioned law enforcement officer and who provides school security
2 services under the direction of a school administrator may not possess
3 a device listed in subsection (1)((+f)) (e) of this section unless he
4 or she has successfully completed training in the use of such devices
5 that is equivalent to the training received by commissioned law
6 enforcement officers;

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

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

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

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

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

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

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

29 ~~(5))~~ Subsection (1)((+f)) (e)(i) of this section does not apply
30 to any person who possesses a device listed in subsection (1)((+f))
31 (e)(i) of this section, if the device is possessed and used solely for
32 the purpose approved by a school for use in a school authorized event,
33 lecture, or activity conducted on the school premises.

34 ~~((+6))~~ (5) Except as provided in subsection (3)(b), (c), (f), and
35 (h) of this section, firearms are not permitted in a public or private
36 school building.

37 ~~((+7))~~ (6) "GUN-FREE ZONE" signs shall be posted around school

1 facilities giving warning of the prohibition of the possession of
2 firearms on school grounds.

3 NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW
4 to read as follows:

5 The possession or use of martial arts weapons of any type are
6 prohibited in all college and university facilities, regardless of
7 whether the planned use of the weapons are to be used in classes,
8 demonstrations, tournaments or competitions, or self-defense.

9 NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW
10 to read as follows:

11 The possession or use of martial arts weapons of any type are
12 prohibited in all community college facilities, regardless of whether
13 the planned use of the weapons are to be used in classes,
14 demonstrations, tournaments or competitions, or self-defense.

15 NEW SECTION. Sec. 4. This act takes effect January 1, 2011.

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