

SSB 5038 - S AMD 94

By Senator Van De Wege

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s
4 6007 are each reenacted and amended to read as follows:

5 (1) It is unlawful for any person to enter the following places
6 when he or she knowingly possesses or knowingly has under his or her
7 control a weapon:

8 (a) The restricted access areas of a jail, or of a law
9 enforcement facility, or any place used for the confinement of a
10 person (i) arrested for, charged with, or convicted of an offense,
11 (ii) held for extradition or as a material witness, or (iii)
12 otherwise confined pursuant to an order of a court, except an order
13 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
14 include common areas of egress or ingress open to the general public;

15 (b) Those areas in any building which are used in connection with
16 court proceedings, including courtrooms, jury rooms, judge's
17 chambers, offices and areas used to conduct court business, waiting
18 areas, and corridors adjacent to areas used in connection with court
19 proceedings. The restricted areas do not include common areas of
20 ingress and egress to the building that is used in connection with
21 court proceedings, when it is possible to protect court areas without
22 restricting ingress and egress to the building. The restricted areas
23 shall be the minimum necessary to fulfill the objective of this
24 subsection (1)(b).

25 For purposes of this subsection (1)(b), "weapon" means any
26 firearm, explosive as defined in RCW 70.74.010, or any weapon of the
27 kind usually known as slungshot, sand club, or metal knuckles, or any
28 knife, dagger, dirk, or other similar weapon that is capable of
29 causing death or bodily injury and is commonly used with the intent
30 to cause death or bodily injury.

31 In addition, the local legislative authority shall provide either
32 a stationary locked box sufficient in size for pistols and key to a

1 weapon owner for weapon storage, or shall designate an official to
2 receive weapons for safekeeping, during the owner's visit to
3 restricted areas of the building. The locked box or designated
4 official shall be located within the same building used in connection
5 with court proceedings. The local legislative authority shall be
6 liable for any negligence causing damage to or loss of a weapon
7 either placed in a locked box or left with an official during the
8 owner's visit to restricted areas of the building.

9 The local judicial authority shall designate and clearly mark
10 those areas where weapons are prohibited, and shall post notices at
11 each entrance to the building of the prohibition against weapons in
12 the restricted areas;

13 (c) The restricted access areas of a public mental health
14 facility licensed or certified by the department of health for
15 inpatient hospital care and state institutions for the care of the
16 mentally ill, excluding those facilities solely for evaluation and
17 treatment. Restricted access areas do not include common areas of
18 egress and ingress open to the general public;

19 (d) That portion of an establishment classified by the state
20 liquor and cannabis board as off-limits to persons under (~~twenty-~~
21 ~~one~~) 21 years of age; or

22 (e) The restricted access areas of a commercial service airport
23 designated in the airport security plan approved by the federal
24 transportation security administration, including passenger screening
25 checkpoints at or beyond the point at which a passenger initiates the
26 screening process. These areas do not include airport drives, general
27 parking areas and walkways, and shops and areas of the terminal that
28 are outside the screening checkpoints and that are normally open to
29 unscreened passengers or visitors to the airport. Any restricted
30 access area shall be clearly indicated by prominent signs indicating
31 that firearms and other weapons are prohibited in the area.

32 (2)(a) Except as provided in (c) of this subsection, it is
33 unlawful for any person to openly carry a firearm or other weapon as
34 described in this chapter at any permitted demonstration. This
35 subsection (2)(a) applies whether the person carries the firearm or
36 other weapon on his or her person or in a vehicle.

37 (b) It is unlawful for any person to openly carry a firearm or
38 other weapon within 250 feet of a permitted demonstration after a
39 duly authorized state or local law enforcement officer advises the
40 person of the permitted demonstration and directs the person to leave

1 until he or she no longer possesses or controls the firearm or other
2 weapon. This subsection (2)(b) does not apply to any person
3 possessing or controlling any firearm or other weapon on private
4 property owned or leased by that person.

5 (c) Duly authorized federal, state, and local law enforcement
6 officers and personnel are exempt from the provisions of this section
7 when carrying a firearm or other weapon in conformance with their
8 employing agency's policy. Members of the armed forces of the United
9 States or the state of Washington are exempt from the provisions of
10 this section when carrying a firearm or other weapon in the discharge
11 of official duty or traveling to or from official duty.

12 (d) For purposes of this subsection, the following definitions
13 apply:

14 (i) "Permitted demonstration" means either: (A) A gathering for
15 which a permit has been issued by a federal agency, state agency, or
16 local government; or (B) a gathering of 15 or more people who are
17 assembled for a single event at a public place, including a march,
18 rally, vigil, sit-in, or picketing, which has been declared as
19 permitted by the chief executive, sheriff, or chief of police of a
20 local government in which the gathering occurs.

21 (ii) "Public place" means any site accessible to the general
22 public for business, entertainment, or another lawful purpose. A
23 "public place" includes, but is not limited to, the front, immediate
24 area, or parking lot of any store, shop, restaurant, tavern, shopping
25 center, or other place of business; any public building, its grounds,
26 or surrounding area; or any public parking lot, street, right-of-way,
27 sidewalk, public park, or other public grounds.

28 (3) Cities, towns, counties, and other municipalities may enact
29 laws and ordinances:

30 (a) Restricting the discharge of firearms in any portion of their
31 respective jurisdictions where there is a reasonable likelihood that
32 humans, domestic animals, or property will be jeopardized. Such laws
33 and ordinances shall not abridge the right of the individual
34 guaranteed by Article I, section 24 of the state Constitution to bear
35 arms in defense of self or others; and

36 (b) Restricting the possession of firearms in any stadium or
37 convention center, operated by a city, town, county, or other
38 municipality, except that such restrictions shall not apply to:

39 (i) Any pistol in the possession of a person licensed under RCW
40 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

1 (ii) Any showing, demonstration, or lecture involving the
2 exhibition of firearms.

3 ~~((3))~~ (4)(a) Cities, towns, and counties may enact ordinances
4 restricting the areas in their respective jurisdictions in which
5 firearms may be sold, but, except as provided in (b) of this
6 subsection, a business selling firearms may not be treated more
7 restrictively than other businesses located within the same zone. An
8 ordinance requiring the cessation of business within a zone shall not
9 have a shorter grandfather period for businesses selling firearms
10 than for any other businesses within the zone.

11 (b) Cities, towns, and counties may restrict the location of a
12 business selling firearms to not less than ~~((five hundred))~~ 500 feet
13 from primary or secondary school grounds, if the business has a
14 storefront, has hours during which it is open for business, and posts
15 advertisements or signs observable to passersby that firearms are
16 available for sale. A business selling firearms that exists as of the
17 date a restriction is enacted under this subsection ~~((3))~~ (4)(b)
18 shall be grandfathered according to existing law.

19 ~~((4))~~ (5) Violations of local ordinances adopted under
20 subsection ~~((2))~~ (3) of this section must have the same penalty as
21 provided for by state law.

22 ~~((5))~~ (6) The perimeter of the premises of any specific
23 location covered by subsection (1) of this section shall be posted at
24 reasonable intervals to alert the public as to the existence of any
25 law restricting the possession of firearms on the premises.

26 ~~((6))~~ (7) Subsection (1) of this section does not apply to:

27 (a) A person engaged in military activities sponsored by the
28 federal or state governments, while engaged in official duties;

29 (b) Law enforcement personnel, except that subsection (1)(b) of
30 this section does apply to a law enforcement officer who is present
31 at a courthouse building as a party to an action under chapter 10.14,
32 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
33 has alleged the existence of domestic violence as defined in RCW
34 26.50.010; or

35 (c) Security personnel while engaged in official duties.

36 ~~((7))~~ (8) Subsection (1)(a), (b), (c), and (e) of this section
37 does not apply to correctional personnel or community corrections
38 officers, as long as they are employed as such, who have completed
39 government-sponsored law enforcement firearms training, except that
40 subsection (1)(b) of this section does apply to a correctional

1 employee or community corrections officer who is present at a
2 courthouse building as a party to an action under chapter 10.14,
3 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
4 has alleged the existence of domestic violence as defined in RCW
5 26.50.010.

6 ~~((+8))~~ (9) Subsection (1)(a) of this section does not apply to a
7 person licensed pursuant to RCW 9.41.070 who, upon entering the place
8 or facility, directly and promptly proceeds to the administrator of
9 the facility or the administrator's designee and obtains written
10 permission to possess the firearm while on the premises or checks his
11 or her firearm. The person may reclaim the firearms upon leaving but
12 must immediately and directly depart from the place or facility.

13 ~~((+9))~~ (10) Subsection (1)(c) of this section does not apply to
14 any administrator or employee of the facility or to any person who,
15 upon entering the place or facility, directly and promptly proceeds
16 to the administrator of the facility or the administrator's designee
17 and obtains written permission to possess the firearm while on the
18 premises.

19 ~~((+10))~~ (11) Subsection (1)(d) of this section does not apply to
20 the proprietor of the premises or his or her employees while engaged
21 in their employment.

22 ~~((+11))~~ (12) Government-sponsored law enforcement firearms
23 training must be training that correctional personnel and community
24 corrections officers receive as part of their job requirement and
25 reference to such training does not constitute a mandate that it be
26 provided by the correctional facility.

27 ~~((+12))~~ (13) Any person violating subsection (1) or (2) of this
28 section is guilty of a gross misdemeanor.

29 ~~((+13))~~ (14) "Weapon" as used in this section means any firearm,
30 explosive as defined in RCW 70.74.010, or instrument or weapon listed
31 in RCW 9.41.250.

32 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW
33 to read as follows:

34 (1) Unless exempt under subsection (4) of this section, it is
35 unlawful for any person to knowingly open carry a firearm or other
36 weapon described in this chapter on the west state capitol campus
37 grounds, in any buildings on the state capitol grounds, in any state
38 legislative office, or at any location of a public legislative
39 hearing or meeting during the hearing or meeting.

1 (2) "Buildings on the state capitol grounds" means the following
2 buildings located on the state capitol grounds, commonly known as
3 Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg,
4 Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance,
5 Governor's mansion, Visitor Information Center, Carlyon House, Ayer
6 House, General Administration, 1500 Jefferson, James M. Dolliver, Old
7 Capitol, Capitol Court, State Archives, Natural Resources, Office
8 Building #2, Highway-License, Transportation, Employment Security,
9 Child Care Center, Union Avenue, Washington Street, Professional
10 Arts, State Farm, and Powerhouse buildings.

11 (3) "West state capitol campus grounds" means areas of the campus
12 south of Powerhouse Rd. SW, south of Union Avenue SW as extended
13 westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th
14 Avenue SW between Capitol Way S. and Water Street SW, west of Water
15 Street between 15th Avenue SW and 16th Avenue SW, north of 16th
16 Avenue SW between Water Street SW and the east banks of Capitol Lake,
17 and east of the banks of Capitol Lake.

18 (4) Duly authorized federal, state, or local law enforcement
19 officers or personnel are exempt from this section when carrying a
20 firearm in conformance with their employing agency's policy, or any
21 member of the armed forces of the United States or the state of
22 Washington in the discharge of official duty or traveling to or from
23 official duty.

24 (5) A person violating this section is guilty of a gross
25 misdemeanor."

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26 On page 1, line 2 of the title, after "capitol;" strike the
27 remainder of the title and insert "reenacting and amending RCW
28 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing
29 penalties."

EFFECT: (1) Applies the restriction to persons who openly carry a
firearm or other weapon at a permitted demonstration rather than
while participating or attending a permitted demonstration.

(2) Provides an exemption for any person possessing or
controlling a firearm or other weapon on private property owned or
leased by that person.

(3) Defines a permitted demonstration to mean a gathering of 15 or more people at a single event in a public place for which a permit has been issued by a government agency or has been designated as permitted by certain local government officials.

--- **END** ---