

SENATE BILL REPORT

SB 5444

As Reported by Senate Committee On:
Law & Justice, January 18, 2024
Ways & Means, February 5, 2024

Title: An act relating to firearm sensitive places.

Brief Description: Concerning firearm sensitive places. [**Revised for 2nd Substitute:** Restricting the possession of weapons, excluding carrying a pistol by a person licensed to carry a concealed pistol, on the premises of libraries, zoos, aquariums, and transit facilities.]

Sponsors: Senators Valdez, Hunt, Kuderer, Nguyen, Pedersen and Saldaña.

Brief History:

Committee Activity: Law & Justice: 1/15/24, 1/18/24 [DPS-WM, DNP].
Ways & Means: 2/03/24, 2/05/24 [DP2S, DNP].

Brief Summary of Second Substitute Bill

- Prohibits individuals from entering certain designated places while knowingly possessing a weapon.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5444 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer, Pedersen, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Torres, Wagoner and Wilson, L..

Staff: Joe McKittrick (786-7287)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5444 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Pedersen, Randall, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall, Torres and Wagoner.

Staff: Jed Herman (786-7346)

Background: Weapons Prohibited in Designated Places. It is a gross misdemeanor for any person to enter certain designated places while knowingly possessing a weapon. These places are:

- the restricted access areas of a jail or law enforcement facility;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access area of a public health facility;
- taverns and other places designated off-limits to persons under age 21 by Liquor and Cannabis Control Board rules; and
- the restricted access areas of commercial service airports.

These prohibitions do not apply to:

- any person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;
- security personnel while engaged in official duties;
- correctional personnel or community corrections officers except while in taverns and other places off-limits to persons under age 21 or while in a courthouse as a party to an antiharassment protection order action, a domestic violence protection order action, or a domestic relations action where any party has alleged the existence of domestic violence; or
- law enforcement personnel except while in a courthouse when present as a party to an antiharassment protection order action, a domestic violence protection order action, or a domestic relations action where any party has alleged the existence of domestic violence.

An individual with a valid concealed carry permit continue to carry in the restricted access areas of jails or law enforcement facilities if, upon entering the individual promptly proceeds to the administrator of the facility and obtains written permission to possess the firearm while on the premises.

Weapon means any firearm, explosive, or any weapon usually known as a slungshot, sand club, or metal knuckles; or any knife, dagger, dirk, or other similar weapon capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

The perimeter of the locations listed above must be posted at reasonable intervals to alert the public to the existence of any law restricting the possession of firearms on the premises.

Gross Misdemeanors. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term of 364 days, a fine not to exceed \$5,000, or both imprisonment and a fine.

Summary of Bill (Second Substitute): The following locations are added to the list of designated places at which it is a gross misdemeanor for any person to enter while knowingly possessing a weapon:

- public libraries;
- zoos or aquariums accredited by the Association of Zoos and Aquariums or the Zoological Association of America; and
- transit stations or transit facilities including all passenger facilities, structures, stops, shelters, bus zones, and other properties owned, leased held, or used by a transit authority for the purpose of providing public transportation services.

These prohibitions do not apply to individuals who maintain a valid conceal carry license, correctional personnel, or the activities of color guards and honor guards, including staging and logistical requirements, related to burial or interment ceremonies.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute):

- Amends the prohibition against carrying weapons on the premises of zoos and aquariums to apply to zoos and aquariums accredited or certified by the Association of Zoos and Aquariums or the Zoological Association of America.
- Removes port facilities where children are likely to be present from the list of locations where the possession of weapons is prohibited.
- Removes state or local public buildings from the list of locations where the possession of weapons is prohibited.
- Exempts the activities color guards and honor guards related to burial and interment ceremonies from the newly created weapons prohibitions.
- Amends the title.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Excludes Washington State Ferries terminal buildings and holding lanes and Washington State Department of Transportation safety rest areas from the definition of state and public buildings.
- Exempts correctional personnel from weapons prohibitions at libraries, zoos and aquariums, park facilities where children are likely to be present; transit facilities, and state and public buildings.
- Exempts employees of zoos, aquariums, and animal sanctuaries, while engaged in their employment from the weapons prohibition if the weapon is maintained for the purpose of protecting its employees, animals, or the visiting public.
- Exempts individuals with a concealed carry license from the prohibitions related to libraries, zoos and aquariums, park facilities where children are likely to be present; transit facilities, and state and public buildings.

Appropriation: None.

Fiscal Note: Requested on January 14, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.* PRO: We have made progress over the years making Washington safer from gun violence, but there is much more work to do. We need to prohibit weapons from those places where children are present. There should be places in our state where families can go without the fear of gun violence. This bill extends common sense safeguards against gun violence to places where people gather. This bill keeps kids safe and helps those kids feel safe. Local governments can prevent speeders and take other measures to create a safety bubble around parks and other places where children are present, but that bubble can be pierced by a bullet because those governments are powerless to prevent someone with a gun from entering that park. We all deserve to live in a world free of gun violence. In 2023, there were more mass shootings than there were days in the year. This bill keeps dangerous weapons away from places where kids play. From 2011 to 2021 firearm fatalities increased by 87 percent across the nation and are now the leading cause of death for children in our country. We have seen far too many acts of preventable gun violence. Many places of public life are vulnerable to the threat of open carry gun violence. No one should have to brave the threat of gun violence to enjoy a park or library. These restrictions reduce the likelihood of an accidental discharge and create a safer atmosphere at places where families congregate. We lose over 100 young people to firearm violence each year in Washington. Libraries are friendly and welcoming places, and it is dangerous and completely unnecessary to allow people to openly carry firearms in public libraries.

CON: The restrictions in this bill bear no relation to this nation's historical tradition of

firearm regulations. This bill is not enforceable, and it prohibits those with concealed carry licenses from carrying a firearm. It is a waste of time and money to enact laws that courts have already deemed unconstitutional. This law focuses on the gun and not the criminal and infringes on the rights of law abiding citizens. Public carry is a constitutional right and this bill is clearly unconstitutional. Similar laws to this have been struck down across the nation. The places where this bill seeks to prohibit weapons are the exact places people are most vulnerable. Minority communities are one of the fastest growing populations of concealed carry licensees, and this bill would prohibit those communities from keeping themselves safe. This bill undermines the ability of parents to keep their families safe. Due to the size of these public spaces, the response time of law enforcement will be delayed, and without the ability of a law abiding citizen to respond, this bill will make families less safe. Gun free zones attract gun violence. Responsible firearms carry is becoming essential for people to be safe in public. Do not make laws you cannot enforce. We cannot run a society based around people's worst fears. The rights of the people come first. This state has a tradition of being open to firearm ownership. There is no need for this legislation. While it would make sense to increase sentencing enhancements related to the use of weapons in these places, the restrictions in this bill will only make families less safe while riding the bus or going to the park. If this bill passes, criminals will know that families are defenseless when at parks, zoos, and libraries. It is unclear what this bill is trying to achieve. Murder, assault, and brandishing of a firearm are already illegal. It is not clear this bill has a purpose or will be effective in any way.

Persons Testifying (Law & Justice): PRO: Senator Javier Valdez, Prime Sponsor; Julia Berus; Craig Reynolds; Liz Hjelmseth, Moms Demand Action; Neal Black; Paul Dillon; Dr. Jane Lester, Washington Chapter of the American Academy of Pediatrics; Ashley Brooks; Dr. Gwen Loosmore, Washington State PTA; Paula Barnes.

CON: Rebecca Faust; Eric Pratt, America; Justin Whitaker; Julie Barrett, Conservative Ladies of Washington; Aoibheann Cline, National Rifle Association; Mark Crider, Walla Walla County Sheriff; Wade Gaughran, Eastside Guns; Jon Nelson; Jeremy Ball; Teo Morca.

Persons Signed In To Testify But Not Testifying (Law & Justice): CON: Justin Michaud; Allen Ernst; Sharon Damoff; Michael McKinley; Jamaal Cowan.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This bill extends safeguards to protect public places by limiting the presence of firearms. The bill includes sensitive areas where youth should be able to feel safe. There have been incidents in parks or libraries where individuals have worn open carry firearms for the purpose of intimidation. These should be places where a person should not be allowed to open carry a firearm.

This bill addresses locations where families and youth gather. These are simple restrictions

to protect from accidental discharge. A firearm in crowded locations also increases the likelihood that a situation may escalate and result in a person pulling a firearm. A common sense approach is to limit the availability of firearms in these locations.

CON: It is unclear what this bill is really trying to accomplish. Criminals aren't prevented from carrying a firearm under this bill. There is no data that open carry causes places to be any more dangerous. This bill will create further constitutional impairments that will force people to spend resources on taking steps to uphold their constitutional rights. Legislators should find ways to prevent criminal use of firearms and not target law abiding citizens.

The NRA is strongly opposed to the policy behind this bill. This bill will also cost the state money and resources. The U.S. Supreme Court has found that these type of restrictions are not consistent with the constitution. This bill will require the state to spend resources to defend lawsuits.

Persons Testifying (Ways & Means): PRO: Chetan Soni, Washington Youth Alliance; Liz Hjelmseth; Dr. Gwen Loosmore, Washington State PTA.

CON: Aoibheann Cline, NRA; Eric pratt, America.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.