

HOUSE BILL REPORT

2SSB 5444

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to 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.

Brief Description: 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: Senate Committee on Ways & Means (originally sponsored by Senators Valdez, Hunt, Kuderer, Nguyen, Pedersen and Saldaña).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/16/24, 2/20/24 [DP].

Brief Summary of Second Substitute Bill

- Prohibits knowing possession or control of a weapon on the premises of libraries, zoos, aquariums, transit stations, and transit facilities, subject to specified exceptions.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 7 members: Representatives Taylor, Chair; Farivar, Vice Chair; Entenman, Goodman, Peterson, Thai and Walen.

Minority Report: Do not pass. Signed by 4 members: Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno and Cheney.

Staff: John Burzynski (786-7133).

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.

Background:

Restricted Areas.

Washington prohibits the knowing possession or control of a weapon in select areas, including:

- the restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of specified persons;
- those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings;
- the restricted access areas of a public mental health facility licensed or certified by the Department of Health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment;
- the portion of an establishment classified by the state Liquor and Cannabis Board as off-limits to persons under 21 years of age; and
- the restricted access areas of a commercial service airport designated in the airport security plan approved by the federal Transportation Security Administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process.

The perimeter of any location covered by these restrictions must be posted at reasonable intervals to alert the public of the restriction.

Exceptions.

The foregoing restrictions on weapons in specified areas of jails and law enforcement facilities, courts, mental health facilities, liquor and cannabis establishments, and airports do not apply to:

- law enforcement personnel, subject to specified exceptions;
- security personnel while engaged in official duties;
- correctional personnel or community corrections officers, as long as they are employed as such, and have completed government-sponsored law enforcement firearms training, subject to specified exceptions; or
- any person engaged in military activities sponsored by the federal or state governments, while engaged in official duties.

The restriction on weapons in specific areas of jails and law enforcement facilities does not apply to a person licensed to carry a concealed firearm pursuant to Washington law who, upon entry, directly and promptly proceeds to the administrator or their designee and obtains written permission to possess the firearm while on the premises or checks the firearm.

The restriction on weapons in specific areas of public mental health facilities does not apply to the administrator or employees of the facility, or to any person who, upon entry, directly

and promptly proceeds to the administrator or their designee and obtains written permission to possess the firearm while on the premises.

The restriction on weapons in specific areas of liquor and cannabis establishments does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

Penalty.

Any person who violates the foregoing restrictions on weapons in specified areas is guilty of a gross misdemeanor.

Definitions.

For the purpose of the restriction on weapons in specified areas of courts, "weapon" means any firearm, explosive, or any weapon of the kind usually known as a slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

For the purpose of the restrictions on weapons in other specified areas, "weapon" means any firearm, explosive, or any weapon of the kind usually known as a slungshot, sand club, metal knuckles, or spring blade knife, or any dagger, dirk, pistol, or other dangerous weapon.

Summary of Bill:

Restricted Areas.

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

- the premises of a library established or maintained pursuant to Washington law;
- the premises of a zoo or aquarium accredited or certified by the Association of Zoos and Aquariums or the Zoological Association of America, or a facility with a current signed memorandum of participation with an Association of Zoos and Aquariums species survival plan; or
- the premises of a transit station or transit facility, including all passenger facilities, structures, stops, shelters, bus zones, and other properties that are owned, leased, held, or used by a transit authority for the purpose of providing public transportation services.

Exceptions.

The foregoing restrictions on weapons in libraries, zoos, aquariums, transit stations, and transit facilities do not apply to:

- any person licensed to carry a concealed firearm pursuant to Washington law;
- law enforcement personnel;

- security personnel while engaged in official duties;
- correctional personnel or community corrections officers, as long as they are employed as such, and have completed government-sponsored law enforcement firearms training;
- any person engaged in military activities sponsored by the federal or state governments, while engaged in official duties; or
- the activities of color guards and honor guards affiliated with the United States military, Washington State National Guard, or Washington Department of Veterans' Affairs related to burial or interment ceremonies including, but not limited to, any staging and logistical requirements of the color guard or honor guard.

The restrictions on weapons in zoos and aquariums also do not apply to employees of a zoo, aquarium, or animal sanctuary, while engaged in their employment, if the weapon is owned by the zoo, aquarium, or animal sanctuary and maintained for the purpose of protecting its employees, animals, or the visiting public.

Definitions.

"Transit authority" means a city transit system, a county public transportation authority, a metropolitan municipal corporation transit system, a public transportation benefit area, an unincorporated transportation benefit area, a regional transit authority, or any special purpose district formed to operate a public transportation system.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will keep families and children safe and expand where weapons cannot be possessed, including libraries, zoos, and transit centers. Currently, weapons are allowed to exist in these areas. Restricting weapons in these areas will ensure a commitment to the safety of children.

Since the pandemic began society has seen more strife and armed protest, some random and some retaliatory, targeting places people go to celebrate. No parent should face the threat of gun violence in the public areas protected by this bill. Students should not need to worry about guns while studying at a library or visiting a zoo. Restrictions in these areas are reasonable.

There is support for a prohibition on firearms in places people gather. The presence of guns

in a location increases the risk of violence. Crowds push and jostle, and a parent could brandish a firearm, leading to injury or worse. This bill can reduce the chance of accidents and hostile atmospheres leading to violence. It is common sense to make sure situations do not escalate into scenarios that cannot be undone.

This bill has gone through changes since it was first introduced in the Senate based on stakeholder input.

(Opposed) The open carry of a firearm is not armed intimidation; it is a self-defense option and lawful exercise of the right to keep and bear arms. Firearms restrictions must be consistent with the text, history, and tradition of laws at the time of the founding. The founding fathers did not conceal carry. This prohibition is not consistent with history and tradition. Other jurisdictions with sensitive place restrictions on firearms have been challenged. In California and New Jersey, bans on firearms at libraries and zoos were not upheld. Bans of firearms on public transit have also failed. There is no historic analogy to justify these bans. This bill is one more step to attempt to regulate the Second Amendment out of existence.

While the desire to feel safe is understandable, this bill will have the opposite effect. Many will avoid the facilities subject to this bill because it makes them a target. Only law-abiding individuals will abide by this law. By attending these locations, and traveling back and forth, a person becomes a target.

(Other) As currently drafted, the bill makes it unlawful to possess a knife in any public transit facility. It bans chefs, culinary students, and trade persons from carrying tools necessary to do their job. Washington invested billions into public transit. Without an amendment exempting legal knives, this bill is counterproductive. The people most likely to use public transit are economically disadvantaged and unable to afford a concealed pistol license.

Persons Testifying: (In support) Senator Javier Valdez, prime sponsor; Mahi Malladi; Beth Ebel, Washington Chapter of the American Academy of Pediatrics; and Gwen Loosmore, Washington State Parent Teacher Association.

(Opposed) Aoibheann Cline, National Rifle Association; and Marcus Carter, Kitsap Rifle and Revolver Club, National Firearms Institute, and Puget Sound Patriots.

(Other) Todd Rathner, Knife Rights.

Persons Signed In To Testify But Not Testifying: Chetan Soni, Washington Youth Alliance; Paula Barnes; Liz Hjelmseth; Jeannie Shu; Jane Weiss; Julie Barrett, Conservative Ladies of Washington; Jeannette Mcchesney; Jeff Lewis; Teo Morca; and Mike Vellekamp.