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SENATE BILL 5326

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State of Washington

55th Legislature

1997 Regular Session

By Senators Hargrove, Zarelli, Loveland, Snyder, Schow, Rasmussen and Benton

Read first time 01/23/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to carrying a firearm; and amending RCW 9.41.050.

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

3 **Sec. 1.** RCW 9.41.050 and 1996 c 295 s 4 are each amended to read  
4 as follows:

5 (1)(a) Except in the person's place of abode or fixed place of  
6 business, a person shall not carry a pistol concealed on his or her  
7 person without a license to carry a concealed pistol.

8 (b) Every licensee shall have his or her concealed pistol license  
9 in his or her immediate possession at all times that he or she is  
10 required by this section to have a concealed pistol license and shall  
11 display the same upon demand to any police officer or to any other  
12 person when and if required by law to do so. Any violation of this  
13 subsection (1)(b) shall be a class 1 civil infraction under chapter  
14 ((7.84)) 7.80 RCW and shall be punished accordingly pursuant to chapter  
15 ((7.84)) 7.80 RCW and the infraction rules for courts of limited  
16 jurisdiction.

17 (2) A person shall not carry or place a loaded pistol in any  
18 vehicle unless the person has a license to carry a concealed pistol  
19 and: (a) The pistol is on the licensee's person, (b) the licensee is

1 within the vehicle at all times that the pistol is there, or (c) the  
2 licensee is away from the vehicle and the pistol is locked within the  
3 vehicle and concealed from view from outside the vehicle.

4 (3) A person at least eighteen years of age who is in possession of  
5 an unloaded pistol shall not leave the unloaded pistol in a vehicle  
6 unless the unloaded pistol is locked within the vehicle and concealed  
7 from view from outside the vehicle.

8 (4) ~~((Except as otherwise provided in this chapter, no person may  
9 carry a firearm unless it is unloaded and enclosed in an opaque case or  
10 secure wrapper or the person is:~~

11 ~~(a) Licensed under RCW 9.41.070 to carry a concealed pistol;~~

12 ~~(b) In attendance at a hunter's safety course or a firearms safety  
13 course;~~

14 ~~(c) Engaging in practice in the use of a firearm or target shooting  
15 at an established range authorized by the governing body of the  
16 jurisdiction in which such range is located or any other area where the  
17 discharge of a firearm is not prohibited;~~

18 ~~(d) Engaging in an organized competition involving the use of a  
19 firearm, or participating in or practicing for a performance by an  
20 organized group that uses firearms as a part of the performance;~~

21 ~~(e) Engaging in a lawful outdoor recreational activity such as  
22 hunting, fishing, camping, hiking, or horseback riding, only if,  
23 considering all of the attendant circumstances, including but not  
24 limited to whether the person has a valid hunting or fishing license,  
25 it is reasonable to conclude that the person is participating in lawful  
26 outdoor activities or is traveling to or from a legitimate outdoor  
27 recreation area;~~

28 ~~(f) In an area where the discharge of a firearm is permitted, and  
29 is not trespassing;~~

30 ~~(g) Traveling with any unloaded firearm in the person's possession  
31 to or from any activity described in (b), (c), (d), (e), or (f) of this  
32 subsection, except as provided in (h) of this subsection;~~

33 ~~(h) Traveling in a motor vehicle with a firearm, other than a  
34 pistol, that is unloaded and locked in the trunk or other compartment  
35 of the vehicle, placed in a gun rack, or otherwise secured in place in  
36 a vehicle, provided that this subsection (4)(h) does not apply to motor  
37 homes if the firearms are not within the driver's compartment of the  
38 motor home while the vehicle is in operation. Notwithstanding (a) of  
39 this subsection, and subject to federal and state park regulations~~

1 regarding firearm possession therein, a motor home shall be considered  
2 a residence when parked at a recreational park, campground, or other  
3 temporary residential setting for the purposes of enforcement of this  
4 chapter;

5 (i) On real property under the control of the person or a relative  
6 of the person;

7 (j) At his or her residence;

8 (k) Is a member of the armed forces of the United States, national  
9 guard, or organized reserves, when on duty;

10 (l) Is a law enforcement officer;

11 (m) Carrying a firearm from or to a vehicle for the purpose of  
12 taking or removing the firearm to or from a place of business for  
13 repair; or

14 (n) An armed private security guard or armed private detective  
15 licensed by the department of licensing, while on duty or enroute to  
16 and from employment.

17 (5)) Violation of any of the prohibitions of subsections (2)  
18 ((through (4))) and (3) of this section is a misdemeanor.

19 ((6)) (5) Nothing in this section permits the possession of  
20 firearms illegal to possess under state or federal law.

21 ((7) Any city, town, or county may enact an ordinance to exempt  
22 itself from the prohibition of subsection (4) of this section.)

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