

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6322

60th Legislature
2008 Regular Session

Passed by the Senate February 15, 2008
YEAS 45 NAYS 3

President of the Senate

Passed by the House March 4, 2008
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6322** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6322

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Judiciary (originally sponsored by Senators Kohl-Welles, Fairley, and Kline; by request of Board For Judicial Administration)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to revising the definition of a weapon; and
2 reenacting and amending RCW 9.41.300.

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

4 **Sec. 1.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each
5 reenacted and amended to read as follows:

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

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

16 (b) Those areas in any building which are used in connection with
17 court proceedings, including courtrooms, jury rooms, judge's chambers,
18 offices and areas used to conduct court business, waiting areas, and
19 corridors adjacent to areas used in connection with court proceedings.

1 The restricted areas do not include common areas of ingress and egress
2 to the building that is used in connection with court proceedings, when
3 it is possible to protect court areas without restricting ingress and
4 egress to the building. The restricted areas shall be the minimum
5 necessary to fulfill the objective of this subsection (1)(b).

6 For purposes of this subsection (1)(b), "weapon" means any firearm,
7 explosive as defined in RCW 70.74.010, or any weapon of the kind
8 usually known as slung shot, sand club, or metal knuckles, or any
9 knife, dagger, dirk, or other similar weapon that is capable of causing
10 death or bodily injury and is commonly used with the intent to cause
11 death or bodily injury.

12 In addition, the local legislative authority shall provide either
13 a stationary locked box sufficient in size for pistols and key to a
14 weapon owner for weapon storage, or shall designate an official to
15 receive weapons for safekeeping, during the owner's visit to restricted
16 areas of the building. The locked box or designated official shall be
17 located within the same building used in connection with court
18 proceedings. The local legislative authority shall be liable for any
19 negligence causing damage to or loss of a weapon either placed in a
20 locked box or left with an official during the owner's visit to
21 restricted areas of the building.

22 The local judicial authority shall designate and clearly mark those
23 areas where weapons are prohibited, and shall post notices at each
24 entrance to the building of the prohibition against weapons in the
25 restricted areas;

26 (c) The restricted access areas of a public mental health facility
27 certified by the department of social and health services for inpatient
28 hospital care and state institutions for the care of the mentally ill,
29 excluding those facilities solely for evaluation and treatment.
30 Restricted access areas do not include common areas of egress and
31 ingress open to the general public;

32 (d) That portion of an establishment classified by the state liquor
33 control board as off-limits to persons under twenty-one years of age;
34 or

35 (e) The restricted access areas of a commercial service airport
36 designated in the airport security plan approved by the federal
37 transportation security administration, including passenger screening
38 checkpoints at or beyond the point at which a passenger initiates the

1 screening process. These areas do not include airport drives, general
2 parking areas and walkways, and shops and areas of the terminal that
3 are outside the screening checkpoints and that are normally open to
4 unscreened passengers or visitors to the airport. Any restricted
5 access area shall be clearly indicated by prominent signs indicating
6 that firearms and other weapons are prohibited in the area.

7 (2) Cities, towns, counties, and other municipalities may enact
8 laws and ordinances:

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

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

18 (i) Any pistol in the possession of a person licensed under RCW
19 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

20 (ii) Any showing, demonstration, or lecture involving the
21 exhibition of firearms.

22 (3)(a) Cities, towns, and counties may enact ordinances restricting
23 the areas in their respective jurisdictions in which firearms may be
24 sold, but, except as provided in (b) of this subsection, a business
25 selling firearms may not be treated more restrictively than other
26 businesses located within the same zone. An ordinance requiring the
27 cessation of business within a zone shall not have a shorter
28 grandfather period for businesses selling firearms than for any other
29 businesses within the zone.

30 (b) Cities, towns, and counties may restrict the location of a
31 business selling firearms to not less than five hundred feet from
32 primary or secondary school grounds, if the business has a storefront,
33 has hours during which it is open for business, and posts
34 advertisements or signs observable to passersby that firearms are
35 available for sale. A business selling firearms that exists as of the
36 date a restriction is enacted under this subsection (3)(b) shall be
37 grandfathered according to existing law.

1 (4) Violations of local ordinances adopted under subsection (2) of
2 this section must have the same penalty as provided for by state law.

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

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

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

10 (b) Law enforcement personnel, except that subsection (1)(b) of
11 this section does apply to a law enforcement officer who is present at
12 a courthouse building as a party to an action under chapter 10.14,
13 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
14 has alleged the existence of domestic violence as defined in RCW
15 26.50.010; or

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

17 (7) Subsection (1)(a) of this section does not apply to a person
18 licensed pursuant to RCW 9.41.070 who, upon entering the place or
19 facility, directly and promptly proceeds to the administrator of the
20 facility or the administrator's designee and obtains written permission
21 to possess the firearm while on the premises or checks his or her
22 firearm. The person may reclaim the firearms upon leaving but must
23 immediately and directly depart from the place or facility.

24 (8) Subsection (1)(c) of this section does not apply to any
25 administrator or employee of the facility or to any person who, upon
26 entering the place or facility, directly and promptly proceeds to the
27 administrator of the facility or the administrator's designee and
28 obtains written permission to possess the firearm while on the
29 premises.

30 (9) Subsection (1)(d) of this section does not apply to the
31 proprietor of the premises or his or her employees while engaged in
32 their employment.

33 (10) Any person violating subsection (1) of this section is guilty
34 of a gross misdemeanor.

35 (11) "Weapon" as used in this section means any firearm, explosive
36 as defined in RCW 70.74.010, or instrument or weapon listed in RCW

1 9.41.250.

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