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**SENATE BILL 5038**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, and Wilson, C.

AN ACT Relating to prohibiting the open carry of certain weapons at public demonstrations and the state capitol; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing penalties.

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

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

(1) 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:

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

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

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as 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.

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

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

(c) 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. Restricted access areas do not include common areas of egress and ingress open to the general public;

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

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

(2)(a) Unless exempted in (c) of this subsection, it is unlawful for any person to knowingly open carry a firearm or any weapon as described in this chapter while participating in or attending any demonstration being held at a public place. This subsection (2)(a) applies whether the person carries the weapon on his or her person or in a vehicle.

(b) It is unlawful for any person to knowingly open carry a firearm or any weapon within 1,000 feet of a demonstration at a public place after a duly authorized state or local law enforcement officer advises the person of the demonstration and directs the person to leave until he or she no longer possesses or controls a weapon. This subsection (2)(b) does not apply to any person possessing or controlling any weapon inside a private dwelling, building, or structure.

(c) Duly authorized state and local law enforcement officers and personnel are exempt from the provisions of this section when carrying a firearm in conformance with their employing agency's policy.

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

(i) "Demonstration" means conduct by one or more persons communicating or expressing views or grievances which has the effect, intent, or likelihood of attracting a crowd. "Demonstration" includes, but is not limited to, a march, rally, vigil, sit-in, or picketing. "Demonstration" does not include casual use of property by visitors or tourists which does not have an intent or likelihood of attracting a crowd.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Security personnel while engaged in official duties.

((~~(7)~~)) (8) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

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

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

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

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

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

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

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

(1) Unless exempt under subsection (2) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon described in this chapter on the state capitol grounds, in any building on the state capitol grounds, in any state legislative office, or at any location of a public legislative hearing or meeting during the hearing or meeting.

(2) Duly authorized state or local law enforcement officers or personnel are exempt from this section when carrying a firearm in conformance with their employing agency's policy.

(3) A person violating this section is guilty of a gross misdemeanor.

**--- END ---**