
HOUSE BILL 1375

State of Washington 55th Legislature 1997 Regular Session

By Representatives Smith, Carrell, Talcott and Sheldon

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

1 AN ACT Relating to the right of certain correctional officers to
2 carry a firearm to and from work; and amending RCW 9.41.050 and
3 9.41.060.

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

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

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

10 (b) Every licensee shall have his or her concealed pistol license
11 in his or her immediate possession at all times that he or she is
12 required by this section to have a concealed pistol license and shall
13 display the same upon demand to any police officer or to any other
14 person when and if required by law to do so. Any violation of this
15 subsection (1)(b) shall be a class 1 civil infraction under chapter
16 ((7.84)) 7.80 RCW and shall be punished accordingly pursuant to chapter
17 ((7.84)) 7.80 RCW and the infraction rules for courts of limited
18 jurisdiction.

1 (2) A person shall not carry or place a loaded pistol in any
2 vehicle unless the person has a license to carry a concealed pistol
3 and: (a) The pistol is on the licensee's person, (b) the licensee is
4 within the vehicle at all times that the pistol is there, or (c) the
5 licensee is away from the vehicle and the pistol is locked within the
6 vehicle and concealed from view from outside the vehicle.

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

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

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

15 (b) In attendance at a hunter's safety course or a firearms safety
16 course;

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

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

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

31 (f) In an area where the discharge of a firearm is permitted, and
32 is not trespassing;

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

36 (h) Traveling in a motor vehicle with a firearm, other than a
37 pistol, that is unloaded and locked in the trunk or other compartment
38 of the vehicle, placed in a gun rack, or otherwise secured in place in
39 a vehicle, provided that this subsection (4)(h) does not apply to motor

1 homes if the firearms are not within the driver's compartment of the
2 motor home while the vehicle is in operation. Notwithstanding (a) of
3 this subsection, and subject to federal and state park regulations
4 regarding firearm possession therein, a motor home shall be considered
5 a residence when parked at a recreational park, campground, or other
6 temporary residential setting for the purposes of enforcement of this
7 chapter;

8 (i) On real property under the control of the person or a relative
9 of the person;

10 (j) At his or her residence;

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

13 (l) Is a law enforcement officer;

14 (m) Carrying a firearm from or to a vehicle for the purpose of
15 taking or removing the firearm to or from a place of business for
16 repair; ~~((or))~~

17 (n) An armed private security guard or armed private detective
18 licensed by the department of licensing, while on duty or enroute to
19 and from employment; or

20 (o) A correctional officer employed by the department of
21 corrections. If the correctional officer is not a law enforcement
22 officer within the meaning of RCW 9.41.010, then this subsection
23 applies only while the correctional officer is traveling to or from his
24 or her place of employment.

25 (5) Violation of any of the prohibitions of subsections (2) through
26 (4) of this section is a misdemeanor.

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

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

31 **Sec. 2.** RCW 9.41.060 and 1996 c 295 s 5 are each amended to read
32 as follows:

33 The provisions of RCW 9.41.050 shall not apply to:

34 (1) Marshals, sheriffs, prison or jail wardens or their deputies,
35 or other law enforcement officers;

36 (2) Members of the armed forces of the United States or of the
37 national guard or organized reserves, when on duty;

1 (3) Officers or employees of the United States duly authorized to
2 carry a concealed pistol;

3 (4) Any person engaged in the business of manufacturing, repairing,
4 or dealing in firearms, or the agent or representative of the person,
5 if possessing, using, or carrying a pistol in the usual or ordinary
6 course of the business;

7 (5) Regularly enrolled members of any organization duly authorized
8 to purchase or receive pistols from the United States or from this
9 state;

10 (6) Regularly enrolled members of clubs organized for the purpose
11 of target shooting, when those members are at or are going to or from
12 their places of target practice;

13 (7) Regularly enrolled members of clubs organized for the purpose
14 of modern and antique firearm collecting, when those members are at or
15 are going to or from their collector's gun shows and exhibits;

16 (8) Any person engaging in a lawful outdoor recreational activity
17 such as hunting, fishing, camping, hiking, or horseback riding, only
18 if, considering all of the attendant circumstances, including but not
19 limited to whether the person has a valid hunting or fishing license,
20 it is reasonable to conclude that the person is participating in lawful
21 outdoor activities or is traveling to or from a legitimate outdoor
22 recreation area;

23 (9) Any person while carrying a pistol unloaded and in a closed
24 opaque case or secure wrapper; ((or))

25 (10) Law enforcement officers retired for service or physical
26 disabilities, except for those law enforcement officers retired because
27 of mental or stress-related disabilities. This subsection applies only
28 to a retired officer who has: (a) Obtained documentation from a law
29 enforcement agency within Washington state from which he or she retired
30 that is signed by the agency's chief law enforcement officer and that
31 states that the retired officer was retired for service or physical
32 disability; and (b) not been convicted of a crime making him or her
33 ineligible for a concealed pistol license; or

34 (11) A correctional officer employed by the department of
35 corrections. If the correctional officer is not a law enforcement
36 officer within the meaning of RCW 9.41.010, then this subsection

- 1 applies only while the correctional officer is traveling to or from his
- 2 or her place of employment.

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