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**SUBSTITUTE HOUSE BILL 1562**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Smith, Carrell, Talcott, Sheahan, Mielke, McMorris, Koster, Dunn and Schoesler)

Read first time 03/03/97.

1       AN ACT Relating to the rights of correctional officers employed by  
2 the department of corrections; amending RCW 9.41.050 and 9.41.060; and  
3 adding a new section to chapter 72.09 RCW.

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  
37 applies only while the correctional officer is traveling to or from his  
38 or her place of employment.

1        NEW SECTION.   **Sec. 3.**   A new section is added to chapter 72.09 RCW  
2 to read as follows:

3        The department, within existing resources, shall provide a secure  
4 repository for correctional officers to check their firearms while they  
5 are on the grounds of the department of corrections and for the  
6 duration of their work shifts.

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