

HOUSE BILL REPORT

HB 1604

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to hospital safety.

Brief Description: Restricting weapons in hospitals.

Sponsors: Representatives Schual-Berke, Ballasiotes, O'Brien, Skinner, Campbell, Keiser, Ogden, Cody, Kenney, Kagi, Lovick, Edmonds, Darneille and Santos.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/16/01, 2/26/01 [DPS].

Brief Summary of Substitute Bill

- Makes it a gross misdemeanor to knowingly possess or control a weapon in any building licensed as a hospital.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Kagi and Kirby.

Minority Report: Do not pass. Signed by 3 members: Representatives Ahern, Republican Vice Chair; Cairnes and Morell.

Staff: Katy Freeman (786-7386).

Background:

It is a gross misdemeanor to knowingly possess or control a weapon in a variety of places, such as:

- restricted areas of jails;
- restricted areas of court facilities;
- restricted areas of public mental health facilities; and
- portions of establishments classified as off-limits to persons under 21 years of age by

the state Liquor Control Board.

The restricted areas do not include common areas of entering and exiting which are open to the general public.

Certain persons, however, may knowingly possess or control a weapon in these places, including:

- persons engaged in official military duties;
- law enforcement personnel;
- security personnel while engaged in official duties; and
- any administrator or employee of a mental health facility or state institution, or any other person who, upon entering the facility or institution, directly and promptly obtains written permission to possess a firearm while on the premises.

A weapon is any firearm, explosive, or instrument such as a slung shot, sand club, metal knuckles, and various types of knives.

There is no prohibition for bringing weapons into a hospital.

A gross misdemeanor carries a maximum sentence of one year of incarceration, a fine of \$5,000, or both.

Summary of Substitute Bill:

It is a gross misdemeanor to knowingly possess or control a weapon in any building licensed as a hospital. The restricted areas of a hospital do not include common areas of entering or exiting open to the general public.

Certain persons are exempted from this provision and may knowingly possess or control a weapon in a hospital, including:

- persons engaged in official military duties;
- law enforcement personnel; and
- security personnel while engaged in official duties.

Substitute Bill Compared to Original Bill:

The provision allowing a person who carries a valid concealed pistol license to possess a pistol while in a hospital is removed. Additionally, the provision allowing a person to obtain written permission to possess a firearm while on hospital premises is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Proposed substitute) Under current law, there are places where there is an atmosphere of safety for everyone. Hospitals and emergency rooms are unique. Unlike restaurants or stores who generally have the right to refuse service, emergency rooms must serve everyone. Regardless of what a person says or does or what weapon is hanging out of the person's pocket, hospital staff must serve the person. Emergency rooms are fraught with tension and anxiety. Health care providers work under an enormous amount of stress and tension, and they should not have to feel fear in their workplace. This bill is an effort to make emergency rooms a safe place. Hospitals would like to have the ability to require all persons to disarm themselves before coming into the emergency room for treatment.

An antiviolence resolution was developed in one health care organization. The board of trustees subsequently established a weapons-free zone– policy for all facilities operated by the organization. There has been no known problems enforcing the policy.

(Concerns on original bill) The exemption in the bill for persons who have valid concealed pistol license should be taken out. It was originally put in, to try and ease the comfort level in making a hospital a weapon free zone. However, if the exemption remains in the bill, the bill will be difficult to enforce.

Testimony Against: None.

Testified: Representative Schaul-Berke, prime sponsor; David Michener, Valley Medical Center; Randi Abrams, city of Seattle; and Ken Bertrand, Group Health.