

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2473

Chapter 16, Laws of 2004

58th Legislature
2004 Regular Session

WEAPONS POSSESSION--COURTHOUSES

EFFECTIVE DATE: 6/10/04

Passed by the House February 10, 2004
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2004
Yeas 47 Nays 1

BRAD OWEN

President of the Senate

Approved March 15, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2473** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 15, 2004 - 3:02 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2473

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Representatives Clibborn, Woods, Lantz, Jarrett, Darneille,
Bailey, Hunt, Lovick, Shabro, Kenney, Chase, Tom and Schual-Berke

Read first time 01/14/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of weapons in courthouse buildings;
2 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 1994 sp.s. c 7 s 429 are each amended to
5 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 In addition, the local legislative authority shall provide either
7 a stationary locked box sufficient in size for pistols and key to a
8 weapon owner for weapon storage, or shall designate an official to
9 receive weapons for safekeeping, during the owner's visit to restricted
10 areas of the building. The locked box or designated official shall be
11 located within the same building used in connection with court
12 proceedings. The local legislative authority shall be liable for any
13 negligence causing damage to or loss of a weapon either placed in a
14 locked box or left with an official during the owner's visit to
15 restricted areas of the building.

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

20 (c) The restricted access areas of a public mental health facility
21 certified by the department of social and health services for inpatient
22 hospital care and state institutions for the care of the mentally ill,
23 excluding those facilities solely for evaluation and treatment.
24 Restricted access areas do not include common areas of egress and
25 ingress open to the general public; or

26 (d) That portion of an establishment classified by the state liquor
27 control board as off-limits to persons under twenty-one years of age.

28 (2) Cities, towns, counties, and other municipalities may enact
29 laws and ordinances:

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

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

1 (i) Any pistol in the possession of a person licensed under RCW
2 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

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

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

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

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

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

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

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

30 (b) Law enforcement personnel, except that subsection (1)(b) of
31 this section does apply to a law enforcement officer who is present at
32 a courthouse building as a party to an action under chapter 10.14,
33 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
34 has alleged the existence of domestic violence as defined in RCW
35 26.50.010; or

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

37 (7) Subsection (1)(a) of this section does not apply to a person
38 licensed pursuant to RCW 9.41.070 who, upon entering the place or

1 facility, directly and promptly proceeds to the administrator of the
2 facility or the administrator's designee and obtains written permission
3 to possess the firearm while on the premises or checks his or her
4 firearm. The person may reclaim the firearms upon leaving but must
5 immediately and directly depart from the place or facility.

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

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

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

17 (11) "Weapon" as used in this section means any firearm, explosive
18 as defined in RCW 70.74.010, or instrument or weapon listed in RCW
19 9.41.250.

Passed by the House February 10, 2004.

Passed by the Senate March 2, 2004.

Approved by the Governor March 15, 2004.

Filed in Office of Secretary of State March 15, 2004.