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SENATE BILL 5031

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Kline, Carrell, Conway, Sheldon, and Roach

Read first time 01/10/11. Referred to Committee on Judiciary.

1            AN ACT Relating to including correctional employees who have  
2 completed government-sponsored law enforcement firearms training to the  
3 lists of law enforcement personnel that are exempt from certain firearm  
4 restrictions; and amending RCW 9.41.060 and 9.41.300.

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

6            **Sec. 1.** RCW 9.41.060 and 2005 c 453 s 3 are each amended to read  
7 as follows:

8            The provisions of RCW 9.41.050 shall not apply to:

9            (1) Marshals, sheriffs, prison or jail wardens or their deputies,  
10 correctional personnel who have completed government-sponsored law  
11 enforcement firearms training, or other law enforcement officers of  
12 this state or another state;

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

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

17            (4) Any person engaged in the business of manufacturing, repairing,  
18 or dealing in firearms, or the agent or representative of the person,

1 if possessing, using, or carrying a pistol in the usual or ordinary  
2 course of the business;

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

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

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

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

19 (9) Any person while carrying a pistol unloaded and in a closed  
20 opaque case or secure wrapper; ~~((or))~~

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

31 (11) Correctional personnel who have completed government-sponsored  
32 law enforcement firearms training and who are retired for service or  
33 physical disabilities, except for correctional personnel retired  
34 because of mental or stress-related disabilities. This subsection  
35 applies only if the person has: (a) Obtained documentation from the  
36 agency within Washington state from which the person retired that  
37 states that the person was retired for service or physical disability;

1 and (b) not been convicted or found not guilty by reason of insanity of  
2 a crime making him or her ineligible for a concealed pistol license.

3 **Sec. 2.** RCW 9.41.300 and 2008 c 33 s 1 are each amended to read as  
4 follows:

5 (1) It is unlawful for any person to enter the following places  
6 when he or she knowingly possesses or knowingly has under his or her  
7 control a weapon:

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

15 (b) Those areas in any building which are used in connection with  
16 court proceedings, including courtrooms, jury rooms, judge's chambers,  
17 offices and areas used to conduct court business, waiting areas, and  
18 corridors adjacent to areas used in connection with court proceedings.  
19 The restricted areas do not include common areas of ingress and egress  
20 to the building that is used in connection with court proceedings, when  
21 it is possible to protect court areas without restricting ingress and  
22 egress to the building. The restricted areas shall be the minimum  
23 necessary to fulfill the objective of this subsection (1)(b).

24 For purposes of this subsection (1)(b), "weapon" means any firearm,  
25 explosive as defined in RCW 70.74.010, or any weapon of the kind  
26 usually known as slung shot, sand club, or metal knuckles, or any  
27 knife, dagger, dirk, or other similar weapon that is capable of causing  
28 death or bodily injury and is commonly used with the intent to cause  
29 death or bodily injury.

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

1 negligence causing damage to or loss of a weapon either placed in a  
2 locked box or left with an official during the owner's visit to  
3 restricted areas of the building.

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

8 (c) The restricted access areas of a public mental health facility  
9 certified by the department of social and health services for inpatient  
10 hospital care and state institutions for the care of the mentally ill,  
11 excluding those facilities solely for evaluation and treatment.  
12 Restricted access areas do not include common areas of egress and  
13 ingress open to the general public;

14 (d) That portion of an establishment classified by the state liquor  
15 control board as off-limits to persons under twenty-one years of age;  
16 or

17 (e) The restricted access areas of a commercial service airport  
18 designated in the airport security plan approved by the federal  
19 transportation security administration, including passenger screening  
20 checkpoints at or beyond the point at which a passenger initiates the  
21 screening process. These areas do not include airport drives, general  
22 parking areas and walkways, and shops and areas of the terminal that  
23 are outside the screening checkpoints and that are normally open to  
24 unscreened passengers or visitors to the airport. Any restricted  
25 access area shall be clearly indicated by prominent signs indicating  
26 that firearms and other weapons are prohibited in the area.

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

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

35 (b) Restricting the possession of firearms in any stadium or  
36 convention center, operated by a city, town, county, or other  
37 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, and correctional personnel who have  
31 completed government-sponsored law enforcement firearms training,  
32 except that subsection (1)(b) of this section does apply to a law  
33 enforcement officer or correctional employee who is present at a  
34 courthouse building as a party to an action under chapter 10.14, 10.99,  
35 or 26.50 RCW, or an action under Title 26 RCW where any party has  
36 alleged the existence of domestic violence as defined in RCW 26.50.010;  
37 or

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

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

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

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

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

19           (11) "Weapon" as used in this section means any firearm, explosive  
20 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
21 9.41.250.

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