

SB 5782 - H COMM AMD

By Committee on Civil Rights & Judiciary

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 9.41.250 and 2012 c 179 s 1 are each amended to
4 read as follows:

5 (1) Every person who:

6 (a) Manufactures, sells, or disposes of or possesses any
7 instrument or weapon of the kind usually known as slung shot, sand
8 club, or metal knuckles, or spring blade knife having a blade more
9 than three and one-half inches in length;

10 (b) Furtively carries with intent to conceal any dagger, dirk,
11 pistol, or other dangerous weapon; or

12 (c) Uses any contrivance or device for suppressing the noise of
13 any firearm unless the suppressor is legally registered and possessed
14 in accordance with federal law,
15 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

16 (2) "Spring blade knife" means any knife, including a prototype,
17 model, or other sample, with a blade that is automatically released
18 by a spring mechanism or other mechanical device, or any knife having
19 a blade which opens, or falls, or is ejected into position by the
20 force of gravity, or by an outward, downward, or centrifugal thrust
21 or movement. A knife that contains a spring, detent, or other
22 mechanism designed to create a bias toward closure of the blade and
23 that requires physical exertion applied to the blade by hand, wrist,
24 or arm to overcome the bias toward closure to assist in opening the
25 knife is not a spring blade knife.

26 **Sec. 2.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended
27 to read as follows:

28 (1) It is unlawful for a person to carry onto, or to possess on,
29 public or private elementary or secondary school premises, school-
30 provided transportation, or areas of facilities while being used
31 exclusively by public or private schools:

1 (a) Any firearm;

2 (b) Any other dangerous weapon as defined in RCW 9.41.250;

3 (c) Any device commonly known as "nun-chu-ka sticks," consisting
4 of two or more lengths of wood, metal, plastic, or similar substance
5 connected with wire, rope, or other means;

6 (d) Any device, commonly known as "throwing stars," which are
7 multipointed, metal objects designed to embed upon impact from any
8 aspect;

9 (e) Any air gun, including any air pistol or air rifle, designed
10 to propel a BB, pellet, or other projectile by the discharge of
11 compressed air, carbon dioxide, or other gas; (~~or~~)

12 (f) (i) Any portable device manufactured to function as a weapon
13 and which is commonly known as a stun gun, including a projectile
14 stun gun which projects wired probes that are attached to the device
15 that emit an electrical charge designed to administer to a person or
16 an animal an electric shock, charge, or impulse; or

17 (ii) Any device, object, or instrument which is used or intended
18 to be used as a weapon with the intent to injure a person by an
19 electric shock, charge, or impulse; or

20 (g) Any spring blade knife as defined in RCW 9.41.250(2).

21 (2) Any such person violating subsection (1) of this section is
22 guilty of a gross misdemeanor. If any person is convicted of a
23 violation of subsection (1)(a) of this section, the person shall have
24 his or her concealed pistol license, if any revoked for a period of
25 three years. Anyone convicted under this subsection is prohibited
26 from applying for a concealed pistol license for a period of three
27 years. The court shall send notice of the revocation to the
28 department of licensing, and the city, town, or county which issued
29 the license.

30 Any violation of subsection (1) of this section by elementary or
31 secondary school students constitutes grounds for expulsion from the
32 state's public schools in accordance with RCW 28A.600.010. An
33 appropriate school authority shall promptly notify law enforcement
34 and the student's parent or guardian regarding any allegation or
35 indication of such violation.

36 Upon the arrest of a person at least twelve years of age and not
37 more than twenty-one years of age for violating subsection (1)(a) of
38 this section, the person shall be detained or confined in a juvenile
39 or adult facility for up to seventy-two hours. The person shall not
40 be released within the seventy-two hours until after the person has

1 been examined and evaluated by the designated crisis responder unless
2 the court in its discretion releases the person sooner after a
3 determination regarding probable cause or on probation bond or bail.

4 Within twenty-four hours of the arrest, the arresting law
5 enforcement agency shall refer the person to the designated crisis
6 responder for examination and evaluation under chapter 71.05 or 71.34
7 RCW and inform a parent or guardian of the person of the arrest,
8 detention, and examination. The designated crisis responder shall
9 examine and evaluate the person subject to the provisions of chapter
10 71.05 or 71.34 RCW. The examination shall occur at the facility in
11 which the person is detained or confined. If the person has been
12 released on probation, bond, or bail, the examination shall occur
13 wherever is appropriate.

14 Upon completion of any examination by the designated crisis
15 responder, the results of the examination shall be sent to the court,
16 and the court shall consider those results in making any
17 determination about the person.

18 The designated crisis responder shall, to the extent permitted by
19 law, notify a parent or guardian of the person that an examination
20 and evaluation has taken place and the results of the examination.
21 Nothing in this subsection prohibits the delivery of additional,
22 appropriate mental health examinations to the person while the person
23 is detained or confined.

24 If the designated crisis responder determines it is appropriate,
25 the designated crisis responder may refer the person to the local
26 behavioral health organization for follow-up services or the
27 (~~department of social and health services~~) health care authority or
28 other community providers for other services to the family and
29 individual.

30 (3) Subsection (1) of this section does not apply to:

31 (a) Any student or employee of a private military academy when on
32 the property of the academy;

33 (b) Any person engaged in military, law enforcement, or school
34 district security activities. However, a person who is not a
35 commissioned law enforcement officer and who provides school security
36 services under the direction of a school administrator may not
37 possess a device listed in subsection (1)(f) of this section unless
38 he or she has successfully completed training in the use of such
39 devices that is equivalent to the training received by commissioned
40 law enforcement officers;

1 (c) Any person who is involved in a convention, showing,
2 demonstration, lecture, or firearms safety course authorized by
3 school authorities in which the firearms of collectors or instructors
4 are handled or displayed;

5 (d) Any person while the person is participating in a firearms or
6 air gun competition approved by the school or school district;

7 (e) Any person in possession of a pistol who has been issued a
8 license under RCW 9.41.070, or is exempt from the licensing
9 requirement by RCW 9.41.060, while picking up or dropping off a
10 student;

11 (f) Any nonstudent at least eighteen years of age legally in
12 possession of a firearm or dangerous weapon that is secured within an
13 attended vehicle or concealed from view within a locked unattended
14 vehicle while conducting legitimate business at the school;

15 (g) Any nonstudent at least eighteen years of age who is in
16 lawful possession of an unloaded firearm, secured in a vehicle while
17 conducting legitimate business at the school; or

18 (h) Any law enforcement officer of the federal, state, or local
19 government agency.

20 (4) Subsections (1)(c) and (d) of this section do not apply to
21 any person who possesses nun-chu-ka sticks, throwing stars, or other
22 dangerous weapons to be used in martial arts classes authorized to be
23 conducted on the school premises.

24 (5) Subsection (1)(f)(i) of this section does not apply to any
25 person who possesses a device listed in subsection (1)(f)(i) of this
26 section, if the device is possessed and used solely for the purpose
27 approved by a school for use in a school authorized event, lecture,
28 or activity conducted on the school premises.

29 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of
30 this section, firearms are not permitted in a public or private
31 school building.

32 (7) "GUN-FREE ZONE" signs shall be posted around school
33 facilities giving warning of the prohibition of the possession of
34 firearms on school grounds.

35 **Sec. 3.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007
36 are each reenacted and amended to read as follows:

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

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

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

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

24 In addition, the local legislative authority shall provide either
25 a stationary locked box sufficient in size for pistols and key to a
26 weapon owner for weapon storage, or shall designate an official to
27 receive weapons for safekeeping, during the owner's visit to
28 restricted areas of the building. The locked box or designated
29 official shall be located within the same building used in connection
30 with court proceedings. The local legislative authority shall be
31 liable for any negligence causing damage to or loss of a weapon
32 either placed in a locked box or left with an official during the
33 owner's visit to restricted areas of the building.

34 The local judicial authority shall designate and clearly mark
35 those areas where weapons are prohibited, and shall post notices at
36 each entrance to the building of the prohibition against weapons in
37 the restricted areas;

38 (c) The restricted access areas of a public mental health
39 facility licensed or certified by the department of health for
40 inpatient hospital care and state institutions for the care of the

1 mentally ill, excluding those facilities solely for evaluation and
2 treatment. Restricted access areas do not include common areas of
3 egress and ingress open to the general public;

4 (d) That portion of an establishment classified by the state
5 liquor and cannabis board as off-limits to persons under twenty-one
6 years of age; or

7 (e) The restricted access areas of a commercial service airport
8 designated in the airport security plan approved by the federal
9 transportation security administration, including passenger screening
10 checkpoints at or beyond the point at which a passenger initiates the
11 screening process. These areas do not include airport drives, general
12 parking areas and walkways, and shops and areas of the terminal that
13 are outside the screening checkpoints and that are normally open to
14 unscreened passengers or visitors to the airport. Any restricted
15 access area shall be clearly indicated by prominent signs indicating
16 that firearms and other weapons are prohibited in the area.

17 (2) Cities, towns, counties, and other municipalities may enact
18 laws and ordinances:

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

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

28 (i) Any pistol in the possession of a person licensed under RCW
29 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

30 (ii) Any showing, demonstration, or lecture involving the
31 exhibition of firearms.

32 (3)(a) Cities, towns, and counties may enact ordinances
33 restricting the areas in their respective jurisdictions in which
34 firearms may be sold, but, except as provided in (b) of this
35 subsection, a business selling firearms may not be treated more
36 restrictively than other businesses located within the same zone. An
37 ordinance requiring the cessation of business within a zone shall not
38 have a shorter grandfather period for businesses selling firearms
39 than for any other businesses within the zone.

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

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

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

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

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

19 (b) Law enforcement personnel, except that subsection (1)(b) of
20 this section does apply to a law enforcement officer who is present
21 at a courthouse building as a party to an action under chapter 10.14,
22 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
23 has alleged the existence of domestic violence as defined in RCW
24 26.50.010; or

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

26 (7) Subsection (1)(a), (b), (c), and (e) of this section does not
27 apply to correctional personnel or community corrections officers, as
28 long as they are employed as such, who have completed government-
29 sponsored law enforcement firearms training, except that subsection
30 (1)(b) of this section does apply to a correctional employee or
31 community corrections officer who is present at a courthouse building
32 as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or
33 an action under Title 26 RCW where any party has alleged the
34 existence of domestic violence as defined in RCW 26.50.010.

35 (8) Subsection (1)(a) of this section does not apply to a person
36 licensed pursuant to RCW 9.41.070 who, upon entering the place or
37 facility, directly and promptly proceeds to the administrator of the
38 facility or the administrator's designee and obtains written
39 permission to possess the firearm while on the premises or checks his

1 or her firearm. The person may reclaim the firearms upon leaving but
2 must immediately and directly depart from the place or facility.

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

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

12 (11) Government-sponsored law enforcement firearms training must
13 be training that correctional personnel and community corrections
14 officers receive as part of their job requirement and reference to
15 such training does not constitute a mandate that it be provided by
16 the correctional facility.

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

19 (13) "Weapon" as used in this section means any firearm,
20 explosive as defined in RCW 70.74.010, spring blade knife as defined
21 in RCW 9.41.205(2), or instrument or weapon listed in RCW 9.41.250."

22 Correct the title.

EFFECT: Amends the dangerous weapons statute to prohibit only
spring blade knives having blades more than three and one-half inches
in length, rather than removing the prohibition on all spring blade
knives. Makes a corresponding change in the definition of "spring
blade knife" to remove new language that would have provided that a
spring blade knife is not a dangerous weapon. Strikes the section
that would have repealed the statute which provides exceptions and
exemptions for the possession and use of spring blade knives by
certain law enforcement personnel and military members, and which
permits certain contracts, trials, and testing of spring blade
knives.

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