

FINAL BILL REPORT

ESHB 1630

C 106 L 22
Synopsis as Enacted

Brief Description: Establishing restrictions on the possession of weapons in certain locations.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame).

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

State law regulates locations where firearms and other weapons are carried and the manner in which firearms and other weapons are carried or displayed.

Locations Where Weapons Are Prohibited.

It is a gross misdemeanor for a person who knowingly possesses a weapon to enter the following locations:

- restricted areas of jails, law enforcement facilities, or other places used for confinement of a person in connection with criminal offenses;
- areas used in connection with court proceedings, including courtrooms, jury rooms, judges' chambers, and offices;
- restricted areas of licensed or certified public mental health facilities;
- areas of an establishment that is off-limits to persons under age 21; and
- restricted areas of commercial airports.

The perimeter of any location where weapons are prohibited must be posted at reasonable intervals to alert the public that firearms are prohibited at the location. Law enforcement personnel, and military and security personnel while engaged in official business, are exempt from these restrictions and a number of other exceptions apply.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

It is also a gross misdemeanor offense for a person to possess firearms or weapons on:

- public or private elementary or secondary school premises, school-provided transportation, or areas of facilities that are being used exclusively by public or private schools; or
- licensed child care center premises, child care center-provided transportation, and areas of facilities being used exclusively by a child care center.

Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute. Numerous exemptions apply, including for law enforcement officers; any person engaged in military, law enforcement, or school district security activities; and any concealed pistol license (CPL) holder while picking up or dropping off a student.

Open Carry of Firearms and Weapons.

Washington law does not generally prohibit the open carry of firearms in public locations where the possession of weapons is not otherwise prohibited, except with respect to permitted demonstrations and state capitol campus grounds and legislative facilities.

It is a gross misdemeanor offense for a person to knowingly open carry a firearm or other weapon while knowingly being in the following locations: on the west state capitol campus grounds; in any buildings on the state capitol grounds; in any state legislative office; or at any location of a public legislative hearing or meeting during the hearing or meeting. A violation is a gross misdemeanor offense.

It is also a gross misdemeanor offense for a person to knowingly open carry a firearm or other weapons while knowingly being at any permitted demonstration, or within 250 feet of a permitted demonstration after a law enforcement officer advises the person of the permitted demonstration.

These offenses are subject to exemptions for: federal, state, and local law enforcement officers and personnel when carrying a firearm or weapon in conformance with their employing agency's policy; and members of the armed forces of the United States or the State of Washington when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

Summary:

Restrictions on the carrying and possession of firearms and other weapons are established for areas used in connection with meetings of local government governing bodies and school district boards of directors, and for certain election-related facilities.

Local Government Meetings.

It is unlawful for a person to knowingly open carry a weapon while knowingly being in city,

town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the meeting or hearing. Prohibited weapons include: a firearm, explosive, weapon of the kind usually known as slungshot, sand club, metal knuckles, and any knife, dagger, dirk or other similar weapon that is capable of causing death or bodily injury and is commonly used with that intent.

Exemptions are provided for: federal, state, and local law enforcement officers and personnel when carrying a firearm or weapon in conformance with their employing agency's policy; and members of the armed forces of the United States or the State of Washington when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

A violation of these restrictions is a misdemeanor for a first offense and a gross misdemeanor for a second or subsequent offense.

Cities, towns, counties, and other municipalities must post signs at locations where firearms and weapons are restricted to provide notice of the restrictions.

School Board Meetings.

A person is prohibited from knowingly carrying or possessing firearms or other weapons in areas of facilities while being used for official meetings of a school district board of directors. Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute.

A number of exemptions apply, including: law enforcement officers; any person engaged in military, law enforcement, or school district security activities; and any CPL holder while picking up or dropping off a student. In addition, CPL holders and persons exempt from CPL requirements are exempt from the prohibition on possessing a pistol while attending a meeting that is held off school district owned or leased property.

A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons at facilities being used for meetings of the school district board of directors.

A violation is a misdemeanor for a first offense and a gross misdemeanor for a second or subsequent offense. A person who violates this restriction by possessing a firearm must have his or her CPL revoked for three years, and is prohibited from applying for a CPL for a period of three years from the date of conviction.

A violation of the restriction by elementary or secondary school students constitutes grounds for expulsion from school. If a person who is 12 years of age and not more than 21

years of age is arrested for violating the restriction by possessing a firearm, the person must be detained or confined in a juvenile or adult facility for up to 72 hours and referred for an examination and evaluation by a designated crisis responder (DCR) under the Involuntary Treatment Act. The DCR must inform the court of the results and also notify the parent or guardian, if permitted by law, that the evaluation has taken place. The DCR may also refer the person to the local behavioral health services organization or other community providers for services.

Election-Related Facilities.

The carrying and possession of firearms and other specified weapons in certain election offices and facilities is prohibited. Restricted locations are ballot counting centers, voting centers, student engagement hubs, county elections and voter registration offices, and areas of facilities used as a ballot counting center, voting center, student engagement hub, or county elections and voter registration office. Prohibited weapons are firearms, weapons listed under the dangerous weapon statute, air guns, stun guns and devices used or intended to be used to injure a person by an electric shock or impulse, and spring blade knives.

These restrictions do not apply to any federal, state, or local law enforcement officer, or any security personnel hired by a county and engaged in providing security for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. In addition, these restrictions do not apply to concealed carry of a pistol by a CPL holder in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. This exemption, however, does not apply to carrying or possessing firearms in any ballot counting center or areas of facilities while being used as a ballot counting center.

A violation is a misdemeanor for a first offense and a gross misdemeanor for a second or subsequent offense. Any person convicted of carrying or possessing a firearm in violation of this restriction must have his or her CPL, if any, revoked for a period of three years, and is prohibited from applying for a CPL for a period of three years from the date of conviction.

Elections officers and officials must post signs providing notice of these restrictions at each counting center, voting center, student engagement hub, county elections and voter registration office, or areas of facilities used for such purposes.

Other.

The penalty provisions for violations of statutes restricting weapons on elementary and secondary school premises and for restricting open carry of weapons on the capitol campus grounds and facilities and in legislative facilities are revised to make a first offense a misdemeanor, and second and subsequent offenses a gross misdemeanor.

Votes on Final Passage:

House	57	41	
Senate	28	20	(Senate amended)
House	57	41	(House concurred)

Effective: June 9, 2022