

SENATE BILL REPORT

SB 5038

As of January 25, 2021

Title: An act relating to prohibiting the open carry of certain weapons at public demonstrations and the state capitol.

Brief Description: Prohibiting the open carry of certain weapons at public demonstrations and the state capitol.

Sponsors: Senators Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Lias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/26/21.

Brief Summary of Bill

- Prohibits the open carry of a firearm or other weapons at or near public demonstrations, the state capitol grounds, its buildings, and other legislative locations.
- Provides an exception for state and local law enforcement officers.
- Makes violations of these prohibitions a gross misdemeanor.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: Firearms Prohibited in Designated Places. Weapons, including firearms, are prohibited statewide in certain designated places. These places are:

- the restricted access areas of a jail or law enforcement facility;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access areas of a public mental health facility;
- taverns and other places that are made off-limits to persons under age 21 by Liquor

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.

- Control Board rules; and
- the restricted access areas of commercial service airports.

The perimeter of the above premises must be posted at reasonable intervals to alert the public to the existence of any law restricting the possession of firearms on the premises.

"Weapon" is defined in statute as a firearm, explosive, or an instrument or weapon listed in another statute governing dangerous weapons. The dangerous weapon statute prohibits:

- the possession of slung shots, sand clubs, metal knuckles, spring blade knives, and knives that open by a spring mechanism or by the force of gravity or a downward or outward thrust;
- the furtive carrying, with intent to conceal, any dagger, dirk, pistol, or other dangerous weapon; and
- the use of any device for suppressing the noise of a firearm.

Any person violating this prohibition is guilty of a gross misdemeanor.

Gross Misdemeanors. Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both.

Summary of Bill: It is unlawful for any person to knowingly open carry a firearm or any weapon:

- while participating in or attending any demonstration being held at a public place—this prohibition applies whether the person carries the weapon on their person or in a vehicle;
- within 1,000 feet of a demonstration at a public place after a duly authorized state or local law enforcement officer advises the person of the demonstration and directs the person to leave until they no longer possess or control a weapon—this prohibition does not apply to any person possessing or controlling any weapon inside a private dwelling, building, or structure; and
- on the state capitol grounds, in any building 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.

State and local law enforcement officers and personnel are exempt from the prohibition when carrying a firearm in conformance with their employing agency's policy.

"Demonstration" means conduct by one or more persons communicating or expressing views or grievances which has the effect, intent, or likelihood of attracting a crowd, such as a march, rally, vigil, sit-in, or picketing. A demonstration does not include casual use of property by visitors or tourists which does not have an intent or likelihood of attracting a crowd.

"Public place" means any site accessible to the general public for business, entertainment,

or other lawful purpose. It includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds.

A person violating these prohibitions is guilty of a gross misdemeanor.

Appropriation: None.

Fiscal Note: Requested on January 22, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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