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**HOUSE BILL 1234**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Senn, Lovick, Dolan, Pollet, Kirby, Ryu, Berry, Fitzgibbon, Valdez, Frame, Fey, Ramel, Ortiz-Self, Bateman, Hackney, Ramos, Davis, Thai, Bergquist, Peterson, Santos, Kloba, Callan, Cody, Lekanoff, Macri, Slatter, Stonier, Tharinger, Ormsby, and Riccelli

Read first time 01/18/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to prohibiting weapons in state capitol buildings  
2 and grounds and certain other governmental buildings and facilities;  
3 reenacting and amending RCW 9.41.300; prescribing penalties; and  
4 declaring an emergency.

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

6 **Sec. 1.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007  
7 are each reenacted and amended to read as follows:

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

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

19 (b) Those areas in any building which are used in connection with  
20 court proceedings, including courtrooms, jury rooms, judge's  
21 chambers, offices and areas used to conduct court business, waiting

1 areas, and corridors adjacent to areas used in connection with court  
2 proceedings. (~~The restricted areas do not include common areas of~~  
3 ~~ingress and egress to the building that is used in connection with~~  
4 ~~court proceedings, when it is possible to protect court areas without~~  
5 ~~restricting ingress and egress to the building. The restricted areas~~  
6 ~~shall be the minimum necessary to fulfill the objective of this~~  
7 ~~subsection (1)(b).)~~)

8 For purposes of this subsection (1)(b), "weapon" means any  
9 firearm, explosive as defined in RCW 70.74.010, or any weapon of the  
10 kind usually known as slungshot, sand club, or metal knuckles, or any  
11 knife, dagger, dirk, or other similar weapon that is capable of  
12 causing death or bodily injury and is commonly used with the intent  
13 to cause death or bodily injury.

14 In addition, the local legislative authority shall provide either  
15 a stationary locked box sufficient in size for pistols and key to a  
16 weapon owner for weapon storage, or shall designate an official to  
17 receive weapons for safekeeping, during the owner's visit to  
18 restricted areas of the building. The locked box or designated  
19 official shall be located within the same building used in connection  
20 with court proceedings. The local legislative authority shall be  
21 liable for any negligence causing damage to or loss of a weapon  
22 either placed in a locked box or left with an official during the  
23 owner's visit to restricted areas of the building.

24 The local judicial authority shall designate and clearly mark  
25 those areas where weapons are prohibited, and shall post notices at  
26 each entrance to the building of the prohibition against weapons in  
27 the restricted areas;

28 (c) The restricted access areas of a public mental health  
29 facility licensed or certified by the department of health for  
30 inpatient hospital care and state institutions for the care of the  
31 mentally ill, excluding those facilities solely for evaluation and  
32 treatment. Restricted access areas do not include common areas of  
33 egress and ingress open to the general public;

34 (d) That portion of an establishment classified by the state  
35 liquor and cannabis board as off-limits to persons under (~~twenty-~~  
36 ~~one~~) 21 years of age; (~~or~~)

37 (e) The restricted access areas of a commercial service airport  
38 designated in the airport security plan approved by the federal  
39 transportation security administration, including passenger screening  
40 checkpoints at or beyond the point at which a passenger initiates the

1 screening process. These areas do not include airport drives, general  
2 parking areas and walkways, and shops and areas of the terminal that  
3 are outside the screening checkpoints and that are normally open to  
4 unscreened passengers or visitors to the airport. Any restricted  
5 access area shall be clearly indicated by prominent signs indicating  
6 that firearms and other weapons are prohibited in the area;

7 (f) State capitol buildings and west capitol campus grounds; or

8 (g) City, town, county, or other municipality buildings used in  
9 connection with meetings of the governing body, as defined in RCW  
10 42.30.020, of the city, town, county, or other municipality.

11 (2) Cities, towns, counties, and other municipalities may enact  
12 laws and ordinances:

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

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

22 (i) Any pistol in the possession of a person licensed under RCW  
23 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

24 (ii) Any showing, demonstration, or lecture involving the  
25 exhibition of firearms.

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

34 (b) Cities, towns, and counties may restrict the location of a  
35 business selling firearms to not less than (~~five hundred~~) 500 feet  
36 from primary or secondary school grounds, if the business has a  
37 storefront, has hours during which it is open for business, and posts  
38 advertisements or signs observable to passersby that firearms are  
39 available for sale. A business selling firearms that exists as of the

1 date a restriction is enacted under this subsection (3)(b) shall be  
2 grandfathered according to existing law.

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

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

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

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

13 (b) Law enforcement personnel, except that subsection (1)(b) of  
14 this section does apply to a law enforcement officer who is present  
15 at a courthouse building as a party to an action under chapter 10.14,  
16 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
17 has alleged the existence of domestic violence as defined in RCW  
18 26.50.010; or

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

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

30 (8) Subsection (1)(a) of this section does not apply to a person  
31 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
32 facility, directly and promptly proceeds to the administrator of the  
33 facility or the administrator's designee and obtains written  
34 permission to possess the firearm while on the premises or checks his  
35 or her firearm. The person may reclaim the firearms upon leaving but  
36 must immediately and directly depart from the place or facility.

37 (9) Subsection (1)(c) of this section does not apply to any  
38 administrator or employee of the facility or to any person who, upon  
39 entering the place or facility, directly and promptly proceeds to the  
40 administrator of the facility or the administrator's designee and

1 obtains written permission to possess the firearm while on the  
2 premises.

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

6 (11) Subsection (1)(f) of this section does not apply to the  
7 concealed carry of a pistol by any member of the legislature who has  
8 a valid concealed pistol license issued under RCW 9.41.070.

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

14 (~~(12)~~) (13) Any person violating subsection (1) of this section  
15 is guilty of a gross misdemeanor.

16 (~~(13)~~) (14) For the purposes of this section:

17 (a) "State capitol buildings" means the following buildings  
18 located on the state capitol grounds, commonly known as the  
19 legislative, temple of justice, John L. O'Brien, John A. Cherberg,  
20 Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, insurance,  
21 Governor's mansion, visitor information center, Carlyon House, Ayer  
22 House, general administration, 1500 Jefferson, James M. Dolliver, old  
23 capitol, capitol court, state archive, natural resources, office  
24 building #2, highway-license, transportation, employment security,  
25 child care center, Union Avenue, Washington Street, professional  
26 arts, state farm, and powerhouse buildings;

27 (b) "Weapon" ((as used in this section)) means any firearm,  
28 explosive as defined in RCW 70.74.010, or instrument or weapon listed  
29 in RCW 9.41.250; and

30 (c) "West capitol campus grounds" means areas of the capitol  
31 campus south of Powerhouse Rd. SW, south of Union Avenue SW as  
32 extended westward to Powerhouse Rd. SW, west of Capitol Way, north of  
33 15th Avenue SW between Capitol Way S. and Water Street SW, west of  
34 Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th  
35 Avenue SW between Water Street SW and the east banks of Capitol Lake,  
36 and east of the banks of Capitol Lake.

37 NEW SECTION. Sec. 2. This act is necessary for the immediate  
38 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect immediately.

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