

HOUSE BILL REPORT

ESHB 1059

As Amended by the Senate

Title: An act relating to the possession of weapons in court facilities.

Brief Description: Regulating possession of weapons in court facilities.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang.)

Brief History:

Reported by House Committee on:
Judiciary, February 24, 1993, DPS;
Passed House, March 11, 1993, 96-2;
Amended by Senate.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Margaret Allen (786-7191).

Background: It is a misdemeanor to knowingly possess or control a firearm in a courtroom or judge's chamber, while either place is being used for a judicial proceeding. Similarly, it also is a misdemeanor to knowingly possess or control a firearm in restricted areas of jails, restricted areas of public mental health facilities, and in places classified as off-limits to persons under 21 years of age by the state Liquor Control Board.

The prohibition does not apply to: (1) a person engaged in official military duties; (2) law enforcement personnel; or (3) security personnel while engaged in official duties. In the case of courtrooms or judge's chambers, it also does not apply to a judge or court employee, or any person with a

concealed pistol license who, before entering the restricted area, obtains written permission from the court administrator.

It is not illegal to possess other dangerous weapons in the enumerated places. Neither is it illegal to possess firearms or other dangerous weapons in other parts of a court facility, nor in a courtroom or judge's chamber when not being used for a judicial proceeding.

Summary of Bill: Weapons are prohibited in restricted areas of court facilities, jails, public mental health facilities, and in places classified as off-limits to persons under 21 years of age by the state Liquor Control Board. A weapon is defined as any firearm, explosive, instrument, or weapon listed in another statute, e.g., slung shot, sand club, metal knuckles, and various types of knives.

In court facilities, restricted areas are those used in connection with court proceedings. The areas include courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas must be the minimum necessary to fulfill the objective of the act, and may not include common areas of ingress and egress when it is possible to protect court areas without restricting ingress and egress to the building.

The local legislative authority must designate and clearly mark areas in court facilities where weapons are prohibited, and must post notices at each entrance to the court facility that weapons are prohibited in the restricted areas.

The exception for a judge, court employee, or person with a concealed pistol license is removed.

The local legislative authority must provide either a locked box (sufficient in size for short firearms) and key within the building, or must designate an official within the court facility to receive weapons for safekeeping, during the owner's visit to restricted areas of the court facility. The local legislative authority is liable for the loss of or damage to a weapon stored in a locked box or left with a designated official.

EFFECT OF SENATE AMENDMENT(S): The locked box provided by the local legislative authority must be stationary.

The local legislative authority is liable for damage to or loss of a weapon placed in a locked box, or left with a

designated official, if the damage or loss is the result of negligence.

The local judicial authority, rather than the legislative authority, must designate and mark the restricted areas and post notices of the restrictions at each entrance to the building.

Fiscal Note: Available.

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

Testimony For: A similar prohibition against all weapons, not just firearms, should be extended throughout a court facility. Courts deal with people who are emotionally charged. Currently courts have no control over the possession of weapons in waiting areas. This is an issue of security, not gun control.

Testimony Against: There are many reasons to be in a building containing a court facility that are unrelated to court proceedings, such as renewing a concealed pistol license or vehicle license. Crime control is more effective than gun control. It would be more effective to enhance the penalties for crimes committed while armed than to restrict the rights of law-abiding citizens.

Witnesses: Judge Charles Johnson, King County Superior Court (for); Wally Hume, King County Security (for); Judge Kelley Arnold, Pierce County Superior Court (for); Judge Robert McBeth, Washington State Municipal and District Court Judges Association (for); Karen Forner (for); Evelyn Benson, Washington Citizens for Rational Handgun Control (for); John Lenzi, National Rifle Association (against); James Fotis, Law Enforcement Alliance of America (against); George Aiton, Washington Arms Collectors (against); Al Woodbridge, Washington State Rifle and Pistol Association (against); Linda Everett (against); William Henry (against); David Wilson (against); Dan Frank (against); and Herman L. Dinken (against).

VOTE ON FINAL PASSAGE:

Yeas 96; Nays 2

Nays: Representatives Fuhrman, Sheldon