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HOUSE BILL 2077

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State of Washington

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By Representatives Appelwick, Hankins, Ballasiotes, Mitchell, Hickel, Ebersole, Patterson, Sommers, Romero, Chopp, Cole, G. Fisher, Poulsen, Thibaudeau, Voloria, Cody, Dickerson, Regala, Costa, Valle, Ogden, Wolfe, Van Luven and Tokuda

Read first time 03/10/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to authority of local governments to prohibit  
2 weapons in buildings used for court proceedings; and amending RCW  
3 9.41.300.

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

5 **Sec. 1.** RCW 9.41.300 and 1994 sp.s. c 7 s 429 are each amended to  
6 read as follows:

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

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

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

1 corridors adjacent to areas used in connection with court proceedings.  
2 Except as may otherwise be provided for by a local law or ordinance  
3 adopted pursuant to subsection (2)(a) of this section, the restricted  
4 areas do not include common areas of ingress and egress to the building  
5 that is used in connection with court proceedings, when it is possible  
6 to protect court areas without restricting ingress and egress to the  
7 building. The restricted areas shall be the minimum necessary to  
8 fulfill the objective of this subsection (1)(b).

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

19 (ii) The local judicial authority shall designate and clearly mark  
20 those areas where weapons are prohibited, and shall post notices at  
21 each entrance to the building of the prohibition against weapons in the  
22 restricted areas;

23 (c) The restricted access areas of a public mental health facility  
24 certified by the department of social and health services for inpatient  
25 hospital care and state institutions for the care of the mentally ill,  
26 excluding those facilities solely for evaluation and treatment.  
27 Restricted access areas do not include common areas of egress and  
28 ingress open to the general public; or

29 (d) That portion of an establishment classified by the state liquor  
30 control board as off-limits to persons under twenty-one years of age.

31 (2) Cities, towns, counties, and other municipalities may enact  
32 laws and ordinances:

33 (a) Expanding areas where weapons are prohibited pursuant to  
34 subsection (1)(b) of this section to include additional parts or all of  
35 any buildings that are used in connection with court proceedings. Any  
36 such law or ordinance may exempt from the prohibition any personnel who  
37 must be armed for necessary security. Any such law or ordinance is  
38 subject to the requirements of subsection (1)(b)(i) of this section for  
39 storage or safekeeping of weapons and the requirements of subsection

1 (1)(b)(ii) of this section for marking and posting of areas in which  
2 weapons are prohibited;

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

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

12 (i) Any pistol in the possession of a person licensed under RCW  
13 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

14 (ii) Any showing, demonstration, or lecture involving the  
15 exhibition of firearms.

16 (3)(a) Cities, towns, and counties may enact ordinances restricting  
17 the areas in their respective jurisdictions in which firearms may be  
18 sold, but, except as provided in (b) of this subsection, a business  
19 selling firearms may not be treated more restrictively than other  
20 businesses located within the same zone. An ordinance requiring the  
21 cessation of business within a zone shall not have a shorter  
22 grandfather period for businesses selling firearms than for any other  
23 businesses within the zone.

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

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

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

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

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

3 (b) Law enforcement personnel; or

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

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

12 (8) Subsection (1)(c) of this section does not apply to any  
13 administrator or employee of the facility or to any person who, upon  
14 entering the place or facility, directly and promptly proceeds to the  
15 administrator of the facility or the administrator's designee and  
16 obtains written permission to possess the firearm while on the  
17 premises.

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

21 (10) Any person violating subsection (1) of this section is guilty  
22 of a gross misdemeanor.

23 (11) "Weapon" as used in this section means any firearm, explosive  
24 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
25 9.41.250.

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