
SENATE BILL 6239

State of Washington 57th Legislature

2002 Regular Session

By Senators Fairley, Gardner, Jacobsen, Kline and Spanel

Read first time 01/14/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of firearms on the state capitol
2 campus; amending RCW 9.41.300; and prescribing penalties.

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

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

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

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

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

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

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

16 The local judicial authority shall designate and clearly mark those
17 areas where weapons are prohibited, and shall post notices at each
18 entrance to the building of the prohibition against weapons in the
19 restricted areas;

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

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

28 (2) It is unlawful for any person to enter a building on the state
29 capitol campus when he or she knowingly possesses or knowingly has
30 under his or her control a firearm.

31 The state patrol shall provide either a stationary locked box
32 sufficient in size for pistols and key to a firearm owner for firearm
33 storage, or shall designate an official to receive firearms for
34 safekeeping, during the owner's visit to the building. The locked box
35 or designated official shall be located on the state capitol campus.
36 The state patrol shall be liable for any negligence causing damage to
37 or loss of a firearm either placed in a locked box or left with an
38 official during the owner's visit to the building.

1 The state patrol shall designate and clearly mark those areas where
2 firearms are prohibited, and shall post notices at each entrance to the
3 building of the prohibition against firearms.

4 (3) Cities, towns, counties, and other municipalities may enact
5 laws and ordinances:

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

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

15 (i) Any pistol in the possession of a person licensed under RCW
16 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

17 (ii) Any showing, demonstration, or lecture involving the
18 exhibition of firearms.

19 ~~((+3+))~~ (4)(a) Cities, towns, and counties may enact ordinances
20 restricting the areas in their respective jurisdictions in which
21 firearms may be sold, but, except as provided in (b) of this
22 subsection, a business selling firearms may not be treated more
23 restrictively than other businesses located within the same zone. An
24 ordinance requiring the cessation of business within a zone shall not
25 have a shorter grandfather period for businesses selling firearms than
26 for any other businesses within the zone.

27 (b) Cities, towns, and counties may restrict the location of a
28 business selling firearms to not less than five hundred feet from
29 primary or secondary school grounds, if the business has a storefront,
30 has hours during which it is open for business, and posts
31 advertisements or signs observable to passersby that firearms are
32 available for sale. A business selling firearms that exists as of the
33 date a restriction is enacted under this subsection ~~((+3+))~~ (4)(b)
34 shall be grandfathered according to existing law.

35 ~~((+4+))~~ (5) Violations of local ordinances adopted under subsection
36 ~~((+2+))~~ (3) of this section must have the same penalty as provided for
37 by state law.

38 ~~((+5+))~~ (6) The perimeter of the premises of any specific location
39 covered by subsection (1) or (2) of this section shall be posted at

1 reasonable intervals to alert the public as to the existence of any law
2 restricting the possession of firearms on the premises.

3 ~~((+6))~~ (7) Subsections (1) and (2) of this section ~~((does))~~ do not
4 apply to:

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

7 (b) Law enforcement personnel; or

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

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

16 ~~((+8))~~ (9) Subsection (1)(c) of this section does not apply to any
17 administrator or employee of the facility or to any person who, upon
18 entering the place or facility, directly and promptly proceeds to the
19 administrator of the facility or the administrator's designee and
20 obtains written permission to possess the firearm while on the
21 premises.

22 ~~((+9))~~ (10) Subsection (1)(d) of this section does not apply to
23 the proprietor of the premises or his or her employees while engaged in
24 their employment.

25 ~~((+10))~~ (11) Any person violating subsection (1) or (2) of this
26 section is guilty of a gross misdemeanor.

27 ~~((+11))~~ (12) As used in this section:

28 (a) "State capitol campus" means those state-owned grounds, and
29 buildings on those grounds, that constitute the state capitol grounds
30 west of Capitol Way, including all of the grounds addressed in the 1928
31 Olmsted Brothers landscape plan for the state capitol grounds and the
32 state capitol historic district, as designated in the National Register
33 of Historic Places, but excluding the area bounded by Union Avenue on
34 the north, Columbia Street on the west, 11th Avenue on the south, and
35 Capitol Way on the east.

1 (b) "Weapon" (~~as used in this section~~) means any firearm,
2 explosive as defined in RCW 70.74.010, or instrument or weapon listed
3 in RCW 9.41.250.

--- END ---