

**SB 5782** - H COMM AMD

By Committee on Civil Rights & Judiciary

**NOT CONSIDERED 12/23/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 9.41.250 and 2012 c 179 s 1 are each amended to  
4 read as follows:

5 (1) Every person who:

6 (a) Manufactures, sells, or disposes of or possesses any  
7 instrument or weapon of the kind usually known as slung shot, sand  
8 club, or metal knuckles, or spring blade knife having a blade more  
9 than three and one-half inches in length;

10 (b) Furtively carries with intent to conceal any dagger, dirk,  
11 pistol, or other dangerous weapon; or

12 (c) Uses any contrivance or device for suppressing the noise of  
13 any firearm unless the suppressor is legally registered and possessed  
14 in accordance with federal law,  
15 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

16 (2) "Spring blade knife" means any knife, including a prototype,  
17 model, or other sample, with a blade that is automatically released  
18 by a spring mechanism or other mechanical device, or any knife having  
19 a blade which opens, or falls, or is ejected into position by the  
20 force of gravity, or by an outward, downward, or centrifugal thrust  
21 or movement. A knife that contains a spring, detent, or other  
22 mechanism designed to create a bias toward closure of the blade and  
23 that requires physical exertion applied to the blade by hand, wrist,  
24 or arm to overcome the bias toward closure to assist in opening the  
25 knife is not a spring blade knife.

26 **Sec. 2.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended  
27 to read as follows:

28 (1) It is unlawful for a person to carry onto, or to possess on,  
29 public or private elementary or secondary school premises, school-  
30 provided transportation, or areas of facilities while being used  
31 exclusively by public or private schools:

1 (a) Any firearm;

2 (b) Any other dangerous weapon as defined in RCW 9.41.250;

3 (c) Any device commonly known as "nun-chu-ka sticks," consisting  
4 of two or more lengths of wood, metal, plastic, or similar substance  
5 connected with wire, rope, or other means;

6 (d) Any device, commonly known as "throwing stars," which are  
7 multipointed, metal objects designed to embed upon impact from any  
8 aspect;

9 (e) Any air gun, including any air pistol or air rifle, designed  
10 to propel a BB, pellet, or other projectile by the discharge of  
11 compressed air, carbon dioxide, or other gas; (~~or~~)

12 (f) (i) Any portable device manufactured to function as a weapon  
13 and which is commonly known as a stun gun, including a projectile  
14 stun gun which projects wired probes that are attached to the device  
15 that emit an electrical charge designed to administer to a person or  
16 an animal an electric shock, charge, or impulse; or

17 (ii) Any device, object, or instrument which is used or intended  
18 to be used as a weapon with the intent to injure a person by an  
19 electric shock, charge, or impulse; or

20 (g) Any spring blade knife as defined in RCW 9.41.250(2).

21 (2) Any such person violating subsection (1) of this section is  
22 guilty of a gross misdemeanor. If any person is convicted of a  
23 violation of subsection (1)(a) of this section, the person shall have  
24 his or her concealed pistol license, if any revoked for a period of  
25 three years. Anyone convicted under this subsection is prohibited  
26 from applying for a concealed pistol license for a period of three  
27 years. The court shall send notice of the revocation to the  
28 department of licensing, and the city, town, or county which issued  
29 the license.

30 Any violation of subsection (1) of this section by elementary or  
31 secondary school students constitutes grounds for expulsion from the  
32 state's public schools in accordance with RCW 28A.600.010. An  
33 appropriate school authority shall promptly notify law enforcement  
34 and the student's parent or guardian regarding any allegation or  
35 indication of such violation.

36 Upon the arrest of a person at least twelve years of age and not  
37 more than twenty-one years of age for violating subsection (1)(a) of  
38 this section, the person shall be detained or confined in a juvenile  
39 or adult facility for up to seventy-two hours. The person shall not  
40 be released within the seventy-two hours until after the person has

1 been examined and evaluated by the designated crisis responder unless  
2 the court in its discretion releases the person sooner after a  
3 determination regarding probable cause or on probation bond or bail.

4 Within twenty-four hours of the arrest, the arresting law  
5 enforcement agency shall refer the person to the designated crisis  
6 responder for examination and evaluation under chapter 71.05 or 71.34  
7 RCW and inform a parent or guardian of the person of the arrest,  
8 detention, and examination. The designated crisis responder shall  
9 examine and evaluate the person subject to the provisions of chapter  
10 71.05 or 71.34 RCW. The examination shall occur at the facility in  
11 which the person is detained or confined. If the person has been  
12 released on probation, bond, or bail, the examination shall occur  
13 wherever is appropriate.

14 Upon completion of any examination by the designated crisis  
15 responder, the results of the examination shall be sent to the court,  
16 and the court shall consider those results in making any  
17 determination about the person.

18 The designated crisis responder shall, to the extent permitted by  
19 law, notify a parent or guardian of the person that an examination  
20 and evaluation has taken place and the results of the examination.  
21 Nothing in this subsection prohibits the delivery of additional,  
22 appropriate mental health examinations to the person while the person  
23 is detained or confined.

24 If the designated crisis responder determines it is appropriate,  
25 the designated crisis responder may refer the person to the local  
26 behavioral health organization for follow-up services or the  
27 (~~department of social and health services~~) health care authority or  
28 other community providers for other services to the family and  
29 individual.

30 (3) Subsection (1) of this section does not apply to:

31 (a) Any student or employee of a private military academy when on  
32 the property of the academy;

33 (b) Any person engaged in military, law enforcement, or school  
34 district security activities. However, a person who is not a  
35 commissioned law enforcement officer and who provides school security  
36 services under the direction of a school administrator may not  
37 possess a device listed in subsection (1)(f) of this section unless  
38 he or she has successfully completed training in the use of such  
39 devices that is equivalent to the training received by commissioned  
40 law enforcement officers;

1 (c) Any person who is involved in a convention, showing,  
2 demonstration, lecture, or firearms safety course authorized by  
3 school authorities in which the firearms of collectors or instructors  
4 are handled or displayed;

5 (d) Any person while the person is participating in a firearms or  
6 air gun competition approved by the school or school district;

7 (e) Any person in possession of a pistol who has been issued a  
8 license under RCW 9.41.070, or is exempt from the licensing  
9 requirement by RCW 9.41.060, while picking up or dropping off a  
10 student;

11 (f) Any nonstudent at least eighteen years of age legally in  
12 possession of a firearm or dangerous weapon that is secured within an  
13 attended vehicle or concealed from view within a locked unattended  
14 vehicle while conducting legitimate business at the school;

15 (g) Any nonstudent at least eighteen years of age who is in  
16 lawful possession of an unloaded firearm, secured in a vehicle while  
17 conducting legitimate business at the school; or

18 (h) Any law enforcement officer of the federal, state, or local  
19 government agency.

20 (4) Subsections (1)(c) and (d) of this section do not apply to  
21 any person who possesses nun-chu-ka sticks, throwing stars, or other  
22 dangerous weapons to be used in martial arts classes authorized to be  
23 conducted on the school premises.

24 (5) Subsection (1)(f)(i) of this section does not apply to any  
25 person who possesses a device listed in subsection (1)(f)(i) of this  
26 section, if the device is possessed and used solely for the purpose  
27 approved by a school for use in a school authorized event, lecture,  
28 or activity conducted on the school premises.

29 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of  
30 this section, firearms are not permitted in a public or private  
31 school building.

32 (7) "GUN-FREE ZONE" signs shall be posted around school  
33 facilities giving warning of the prohibition of the possession of  
34 firearms on school grounds.

35 **Sec. 3.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007  
36 are each reenacted and amended to read as follows:

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

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

8 (b) Those areas in any building which are used in connection with  
9 court proceedings, including courtrooms, jury rooms, judge's  
10 chambers, offices and areas used to conduct court business, waiting  
11 areas, and corridors adjacent to areas used in connection with court  
12 proceedings. The restricted areas do not include common areas of  
13 ingress and egress to the building that is used in connection with  
14 court proceedings, when it is possible to protect court areas without  
15 restricting ingress and egress to the building. The restricted areas  
16 shall be the minimum necessary to fulfill the objective of this  
17 subsection (1)(b).

18 For purposes of this subsection (1)(b), "weapon" means any  
19 firearm, explosive as defined in RCW 70.74.010, or any weapon of the  
20 kind usually known as slung shot, sand club, or metal knuckles, or  
21 any knife, dagger, dirk, or other similar weapon that is capable of  
22 causing death or bodily injury and is commonly used with the intent  
23 to cause death or bodily injury.

24 In addition, the local legislative authority shall provide either  
25 a stationary locked box sufficient in size for pistols and key to a  
26 weapon owner for weapon storage, or shall designate an official to  
27 receive weapons for safekeeping, during the owner's visit to  
28 restricted areas of the building. The locked box or designated  
29 official shall be located within the same building used in connection  
30 with court proceedings. The local legislative authority shall be  
31 liable for any negligence causing damage to or loss of a weapon  
32 either placed in a locked box or left with an official during the  
33 owner's visit to restricted areas of the building.

34 The local judicial authority shall designate and clearly mark  
35 those areas where weapons are prohibited, and shall post notices at  
36 each entrance to the building of the prohibition against weapons in  
37 the restricted areas;

38 (c) The restricted access areas of a public mental health  
39 facility licensed or certified by the department of health for  
40 inpatient hospital care and state institutions for the care of the

1 mentally ill, excluding those facilities solely for evaluation and  
2 treatment. Restricted access areas do not include common areas of  
3 egress and ingress open to the general public;

4 (d) That portion of an establishment classified by the state  
5 liquor and cannabis board as off-limits to persons under twenty-one  
6 years of age; or

7 (e) The restricted access areas of a commercial service airport  
8 designated in the airport security plan approved by the federal  
9 transportation security administration, including passenger screening  
10 checkpoints at or beyond the point at which a passenger initiates the  
11 screening process. These areas do not include airport drives, general  
12 parking areas and walkways, and shops and areas of the terminal that  
13 are outside the screening checkpoints and that are normally open to  
14 unscreened passengers or visitors to the airport. Any restricted  
15 access area shall be clearly indicated by prominent signs indicating  
16 that firearms and other weapons are prohibited in the area.

17 (2) Cities, towns, counties, and other municipalities may enact  
18 laws and ordinances:

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

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

28 (i) Any pistol in the possession of a person licensed under RCW  
29 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

30 (ii) Any showing, demonstration, or lecture involving the  
31 exhibition of firearms.

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

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

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

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

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

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

19 (b) Law enforcement personnel, except that subsection (1)(b) of  
20 this section does apply to a law enforcement officer who is present  
21 at a courthouse building as a party to an action under chapter 10.14,  
22 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
23 has alleged the existence of domestic violence as defined in RCW  
24 26.50.010; or

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

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

35 (8) Subsection (1)(a) of this section does not apply to a person  
36 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
37 facility, directly and promptly proceeds to the administrator of the  
38 facility or the administrator's designee and obtains written  
39 permission to possess the firearm while on the premises or checks his

1 or her firearm. The person may reclaim the firearms upon leaving but  
2 must immediately and directly depart from the place or facility.

3 (9) Subsection (1)(c) of this section does not apply to any  
4 administrator or employee of the facility or to any person who, upon  
5 entering the place or facility, directly and promptly proceeds to the  
6 administrator of the facility or the administrator's designee and  
7 obtains written permission to possess the firearm while on the  
8 premises.

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

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

17 (12) Any person violating subsection (1) of this section is  
18 guilty of a gross misdemeanor.

19 (13) "Weapon" as used in this section means any firearm,  
20 explosive as defined in RCW 70.74.010, spring blade knife as defined  
21 in RCW 9.41.205(2), or instrument or weapon listed in RCW 9.41.250."

22 Correct the title.

EFFECT: Amends the dangerous weapons statute to prohibit only  
spring blade knives having blades more than three and one-half inches  
in length, rather than removing the prohibition on all spring blade  
knives. Makes a corresponding change in the definition of "spring  
blade knife" to remove new language that would have provided that a  
spring blade knife is not a dangerous weapon. Strikes the section  
that would have repealed the statute which provides exceptions and  
exemptions for the possession and use of spring blade knives by  
certain law enforcement personnel and military members, and which  
permits certain contracts, trials, and testing of spring blade  
knives.

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