
Civil Rights & Judiciary Committee

ESSB 5434

Brief Description: Restricting possession of weapons in certain locations.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Wilson, C., Hunt, Keiser, Kuderer, Nguyen and Pedersen).

Brief Summary of Engrossed Substitute Bill

- With some exceptions, makes it unlawful for a person to possess a firearm and other weapons on child care center premises, center-provided transportation, or in areas of facilities being used exclusively by a child care center.
- Requires family day care providers to store any firearm, ammunition, or other dangerous weapon in a secure area inaccessible to children when children are present on the premises.

Hearing Date: 2/25/20

Staff: Edie Adams (786-7180).

Background:

Locations Where Weapons Are Prohibited.

It is a gross misdemeanor for a person who knowingly possesses a weapon to enter certain locations. Weapons are prohibited in restricted areas of court facilities, jails, public mental health facilities, commercial airports, and in places classified as off-limits to persons under 21 years of age by the state Liquor and Cannabis Board. Law enforcement personnel, and military and security personnel while engaged in official business, are exempt from these restrictions and a number of other exceptions apply.

"Weapon" is defined as a firearm, explosive, or an instrument or weapon listed in another statute governing dangerous weapons. The dangerous weapon statute prohibits: (a) the possession of slung shots, sand clubs, metal knuckles, spring blade knives, and knives that open by a spring mechanism or by the force of gravity or a downward or outward thrust; (b) the furtive carrying,

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with intent to conceal, any dagger, dirk, pistol, or other dangerous weapon; and (c) the use of any device for suppressing the noise of a firearm.

The perimeter of any location where weapons are prohibited must be posted at reasonable intervals to alert the public that firearms are prohibited at the location.

Weapons on School Premises.

With several exceptions, it is a gross misdemeanor for a person to possess firearms or weapons on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities that are being used exclusively by public or private schools. Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute.

Exceptions from the prohibition on possession of firearms and weapons are provided for law enforcement, security or military personnel, persons involved in firearms or martial arts events or training, persons with concealed pistol licenses who are picking up or dropping off students, and nonstudents 18 years or older in lawful possession of a dangerous weapon that is secured in a vehicle.

Elementary and secondary schools are required to post "GUN-FREE ZONE" signs providing notice that firearms are prohibited on school premises.

Unsafe Storage of Firearms.

A person is guilty of Community Endangerment Due to Unsafe Storage of a Firearm if the person stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person is likely to gain access, and the prohibited person accesses the firearm and either:

- causes personal injury or death with the firearm, in which case the offense is an unranked class C felony; or
- causes the firearm to discharge, carries or exhibits the firearm in a public place in a manner that manifests an intent to intimidate others or that warrants alarm for the safety of others, or uses the firearm in a crime, in which case the offense is a gross misdemeanor.

The crime does not apply under a number of circumstances, including if the firearm was in secure gun storage or secured with a trigger lock or similar device designed to prevent unauthorized use or discharge of a firearm. "Secure gun storage" means a locked box, gun safe, or other locked storage space designed to prevent unauthorized use or discharge of a firearm.

Child Care Centers.

The Department of Children, Youth, and Families (DCYF) is responsible for licensing and setting standards for child care providers, including child day care centers and family day care providers. Child day care centers are agencies that regularly provide early childhood education and early learning services for a group of children for periods of less than 24 hours. A family day care provider regularly provides child day care and early learning services to 12 or fewer children in the provider's home.

Child care licensing statutes do not address the issue of firearms or other weapons on child care center premises. However, they do require that licensing standards for child care centers include requirements to address and promote health and safety in child care settings. The DCYF has adopted safety rules that require licensed child care centers to maintain premises in a safe manner that protects children from injury hazards, including protecting children from gunshots by ensuring that no firearm or another weapon is on the premises. In addition, licensed family day care providers are required to store guns, ammunition, and other weapons in a locked gun safe or a locked room so that they are inaccessible to children. If stored in a locked room, each firearm must be stored unloaded and with a trigger lock or other disabling feature.

Summary of Bill:

With some exceptions, it is unlawful for a person to possess a firearm and other weapons on child care center premises, center-provided transportation, or in areas of facilities being used exclusively by a child care center. "Child care center" means a child day care center as defined under child care licensing statutes. Prohibited weapons include: air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and "dangerous weapons" listed under another statute as slung shots, sand clubs, metal knuckles, devices for suppressing the noise of a firearm, and certain knives, such as switchblades, dirks, and daggers.

A violation is a gross misdemeanor offense. A person convicted of a violation must have any concealed pistol license (CPL) revoked for a period of three years and may not apply for a CPL for three years from the date of conviction. The convicting court must send notice of the CPL revocation to the Department of Licensing and the local jurisdiction that issued the CPL.

The offense does not apply to family day care providers or law enforcement officers, nor to the legal possession of a firearm or weapon by an adult conducting business at the center if the firearm or weapon is secured within an attended vehicle or concealed from view within a locked unattended vehicle.

Child care centers must post "GUN-FREE ZONE" signs to provide warning of the prohibition on possessing firearms on center premises. Child care centers that are located on public or private primary or secondary school premises are subject to existing law restricting possession of firearms and weapons on school premises.

A new section is added to child care licensing statutes requiring a family day care provider to store any firearm, ammunition, or other dangerous weapon in a secure area when children are present on the premises. The secure area must be inaccessible to children when they are on the premises and must consist of a locked gun safe or a locked room. If firearms are stored in a locked room, they must be stored unloaded and with a trigger lock or other disabling feature. The Department of Children, Youth, and Families may deny, suspend, revoke, modify, or not renew the license of a child care provider in violation of these requirements.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.