
SENATE BILL 5782

State of Washington 66th Legislature 2019 Regular Session

By Senators Zeiger, Fortunato, Takko, Padden, Palumbo, and Wilson, L.

Read first time 01/31/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to spring blade knives; amending RCW 9.41.250 and
2 9.41.280; reenacting and amending RCW 9.41.300; repealing RCW
3 9.41.251; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.250 and 2012 c 179 s 1 are each amended to read
6 as follows:

7 (1) Every person who:

8 (a) Manufactures, sells, or disposes of or possesses any
9 instrument or weapon of the kind usually known as slung shot, sand
10 club, or metal knuckles(~~(, or spring blade knife)~~);

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

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

17 (2) "Spring blade knife" means any knife, including a prototype,
18 model, or other sample, with a blade that is automatically released
19 by a spring mechanism or other mechanical device, or any knife having
20 a blade which opens, or falls, or is ejected into position by the
21 force of gravity, or by an outward, downward, or centrifugal thrust

1 or movement. A knife that contains a spring, detent, or other
2 mechanism designed to create a bias toward closure of the blade and
3 that requires physical exertion applied to the blade by hand, wrist,
4 or arm to overcome the bias toward closure to assist in opening the
5 knife is not a spring blade knife. A spring blade knife is not a
6 dangerous weapon under this section.

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

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

13 (a) Any firearm;

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

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

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

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

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

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

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

33 (2) Any such person violating subsection (1) of this section is
34 guilty of a gross misdemeanor. If any person is convicted of a
35 violation of subsection (1)(a) of this section, the person shall have
36 his or her concealed pistol license, if any revoked for a period of
37 three years. Anyone convicted under this subsection is prohibited
38 from applying for a concealed pistol license for a period of three
39 years. The court shall send notice of the revocation to the

1 department of licensing, and the city, town, or county which issued
2 the license.

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

9 Upon the arrest of a person at least twelve years of age and not
10 more than twenty-one years of age for violating subsection (1)(a) of
11 this section, the person shall be detained or confined in a juvenile
12 or adult facility for up to seventy-two hours. The person shall not
13 be released within the seventy-two hours until after the person has
14 been examined and evaluated by the designated crisis responder unless
15 the court in its discretion releases the person sooner after a
16 determination regarding probable cause or on probation bond or bail.

17 Within twenty-four hours of the arrest, the arresting law
18 enforcement agency shall refer the person to the designated crisis
19 responder for examination and evaluation under chapter 71.05 or 71.34
20 RCW and inform a parent or guardian of the person of the arrest,
21 detention, and examination. The designated crisis responder shall
22 examine and evaluate the person subject to the provisions of chapter
23 71.05 or 71.34 RCW. The examination shall occur at the facility in
24 which the person is detained or confined. If the person has been
25 released on probation, bond, or bail, the examination shall occur
26 wherever is appropriate.

27 Upon completion of any examination by the designated crisis
28 responder, the results of the examination shall be sent to the court,
29 and the court shall consider those results in making any
30 determination about the person.

31 The designated crisis responder shall, to the extent permitted by
32 law, notify a parent or guardian of the person that an examination
33 and evaluation has taken place and the results of the examination.
34 Nothing in this subsection prohibits the delivery of additional,
35 appropriate mental health examinations to the person while the person
36 is detained or confined.

37 If the designated crisis responder determines it is appropriate,
38 the designated crisis responder may refer the person to the local
39 behavioral health organization for follow-up services or the
40 (~~department of social and health services~~) health care authority or

1 other community providers for other services to the family and
2 individual.

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

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

6 (b) Any person engaged in military, law enforcement, or school
7 district security activities. However, a person who is not a
8 commissioned law enforcement officer and who provides school security
9 services under the direction of a school administrator may not
10 possess a device listed in subsection (1)(f) of this section unless
11 he or she has successfully completed training in the use of such
12 devices that is equivalent to the training received by commissioned
13 law enforcement officers;

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

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

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

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

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

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

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

37 (5) Subsection (1)(f)(i) of this section does not apply to any
38 person who possesses a device listed in subsection (1)(f)(i) of this
39 section, if the device is possessed and used solely for the purpose

1 approved by a school for use in a school authorized event, lecture,
2 or activity conducted on the school premises.

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

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

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

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

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

21 (b) Those areas in any building which are used in connection with
22 court proceedings, including courtrooms, jury rooms, judge's
23 chambers, offices and areas used to conduct court business, waiting
24 areas, and corridors adjacent to areas used in connection with court
25 proceedings. The restricted areas do not include common areas of
26 ingress and egress to the building that is used in connection with
27 court proceedings, when it is possible to protect court areas without
28 restricting ingress and egress to the building. The restricted areas
29 shall be the minimum necessary to fulfill the objective of this
30 subsection (1)(b).

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

37 In addition, the local legislative authority shall provide either
38 a stationary locked box sufficient in size for pistols and key to a
39 weapon owner for weapon storage, or shall designate an official to

1 receive weapons for safekeeping, during the owner's visit to
2 restricted areas of the building. The locked box or designated
3 official shall be located within the same building used in connection
4 with court proceedings. The local legislative authority shall be
5 liable for any negligence causing damage to or loss of a weapon
6 either placed in a locked box or left with an official during the
7 owner's visit to restricted areas of the building.

8 The local judicial authority shall designate and clearly mark
9 those areas where weapons are prohibited, and shall post notices at
10 each entrance to the building of the prohibition against weapons in
11 the restricted areas;

12 (c) The restricted access areas of a public mental health
13 facility licensed or certified by the department of health for
14 inpatient hospital care and state institutions for the care of the
15 mentally ill, excluding those facilities solely for evaluation and
16 treatment. Restricted access areas do not include common areas of
17 egress and ingress open to the general public;

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

21 (e) The restricted access areas of a commercial service airport
22 designated in the airport security plan approved by the federal
23 transportation security administration, including passenger screening
24 checkpoints at or beyond the point at which a passenger initiates the
25 screening process. These areas do not include airport drives, general
26 parking areas and walkways, and shops and areas of the terminal that
27 are outside the screening checkpoints and that are normally open to
28 unscreened passengers or visitors to the airport. Any restricted
29 access area shall be clearly indicated by prominent signs indicating
30 that firearms and other weapons are prohibited in the area.

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

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

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

4 (i) Any pistol in the possession of a person licensed under RCW
5 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

6 (ii) Any showing, demonstration, or lecture involving the
7 exhibition of firearms.

8 (3)(a) Cities, towns, and counties may enact ordinances
9 restricting the areas in their respective jurisdictions in which
10 firearms may be sold, but, except as provided in (b) of this
11 subsection, a business selling firearms may not be treated more
12 restrictively than other businesses located within the same zone. An
13 ordinance requiring the cessation of business within a zone shall not
14 have a shorter grandfather period for businesses selling firearms
15 than for any other businesses within the zone.

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

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

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

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

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

34 (b) Law enforcement personnel, except that subsection (1)(b) of
35 this section does apply to a law enforcement officer who is present
36 at a courthouse building as a party to an action under chapter 10.14,
37 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
38 has alleged the existence of domestic violence as defined in RCW
39 26.50.010; or

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 4.** RCW 9.41.251 (Dangerous weapons—
2 Application of restrictions to law enforcement, firefighting, rescue,
3 and military personnel) and 2012 c 179 s 2 are each repealed.

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