
SENATE BILL 6106

State of Washington 52nd Legislature 1992 Regular Session

By Senators Nelson and Rasmussen

Read first time 01/15/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to weapons in restricted areas; amending RCW
2 9.41.300 and 9.41.098; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.300 and 1985 c 428 s 2 are each amended to read
5 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 ((firearm)) 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) charged
12 with being or adjudicated to be a juvenile offender as defined in RCW
13 13.40.020, (iii) held for extradition or as a material witness, or (iv)
14 otherwise confined pursuant to an order of a court, except an order

1 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
2 include common areas of egress or ingress open to the general public;

3 (b) A courtroom, the waiting area adjacent to the courtroom used by
4 participants in court proceedings, or judge's chamber(~~(, while either~~
5 is being used for any judicial proceeding)), unless exempted by
6 subsection (6) of this section. This does not include common areas or
7 areas of egress and ingress of the courthouse or any building used as
8 a courthouse. However, the court administrator may employ weapon
9 detection devices in common areas adjacent to restricted areas.

10 The court administrator shall designate and clearly mark the
11 restricted areas and shall also display a sign at entrances to a
12 courthouse or any building used as a courthouse that explains the
13 prohibition against weapons in a courtroom, in a waiting area adjacent
14 to the courtroom used by participants in court proceedings, and judge's
15 chambers. Any person knowingly possessing or knowingly having under
16 his or her control a weapon in violation of this subsection (1)(b) is
17 guilty of a class C felony according to chapter 9A.20 RCW;

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

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

26 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and
27 other municipalities may enact laws and ordinances:

28 (a) Restricting the discharge of firearms in any portion of their
29 respective jurisdictions where there is a reasonable likelihood that
30 humans, domestic animals, or property will be jeopardized. Such laws

1 and ordinances shall not abridge the right of the individual guaranteed
2 by Article I, section 24 of the state Constitution to bear arms in
3 defense of self or others; and

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

7 (i) Any firearm in the possession of a person licensed under RCW
8 9.41.070; or

9 (ii) Any showing, demonstration, or lecture involving the
10 exhibition of firearms.

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

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

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

18 (b) Law enforcement personnel; or

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

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

27 (6) Subsection (1)(b) of this section does not apply to a judge,
28 attorney, or ~~((court))~~ courthouse employee ~~((or to any person licensed~~
29 ~~under RCW 9.41.070 who, before entering the restricted area, directly~~
30 ~~and promptly proceeds to the court administrator or the administrator's~~

1 ~~designee and obtains))~~ who has obtained written permission from the
2 court administrator to possess the firearm. The court administrator
3 may not withhold written permission from any person who otherwise
4 lawfully owns or possesses a firearm. Any other person who is in
5 lawful possession of a firearm under RCW 9.41.070 must, before entering
6 the restricted area, directly and promptly proceed to the court
7 administrator and check his or her firearm. The person may reclaim the
8 firearm upon leaving the restricted area.

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

15 (8) Subsection (1)(d) of this section does not apply to the
16 proprietor of the premises or his or her employees while engaged in
17 their employment.

18 (9) Any person violating subsection (1) of this section is guilty
19 of a misdemeanor.

20 (10) "Weapon" as used in this section means any firearm, explosive
21 as defined in RCW 70.74.010, or instrument or weapon listed in RCW
22 9.41.250.

23 **Sec. 2.** RCW 9.41.098 and 1989 c 222 s 8 are each amended to read
24 as follows:

25 (1) The superior courts and the courts of limited jurisdiction of
26 the state may order forfeiture of a firearm which is proven to be:

27 (a) Found concealed on a person not authorized by RCW 9.41.060 or
28 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
29 defense to forfeiture if the person possessed a valid Washington

1 concealed pistol license within the preceding two years and has not
2 become ineligible for a concealed pistol license in the interim.
3 Before the firearm may be returned, the person must pay the past due
4 renewal fee and the current renewal fee;

5 (b) Commercially sold to any person without an application as
6 required by RCW 9.41.090;

7 (c) Found in the possession or under the control of a person at the
8 time the person committed or was arrested for committing a crime of
9 violence or a crime in which a firearm was used or displayed or a
10 felony violation of the uniform controlled substances act, chapter
11 69.50 RCW;

12 (d) Found concealed on a person who is in any place in which a
13 concealed pistol license is required, and who is under the influence of
14 any drug or under the influence of intoxicating liquor, having 0.10
15 grams or more of alcohol per two hundred ten liters of breath or 0.10
16 percent or more by weight of alcohol in the person's blood, as shown by
17 analysis of the person's breath, blood, or other bodily substance;

18 (e) Found in the possession of a person prohibited from possessing
19 the firearm under RCW 9.41.040 or 9.41.300(1)(b);

20 (f) Found in the possession of a person free on bail or personal
21 recognizance pending trial, appeal, or sentencing for a crime of
22 violence or a crime in which a firearm was used or displayed, except
23 that violations of Title 77 RCW shall not result in forfeiture under
24 this section;

25 (g) Found in the possession of a person found to have been mentally
26 incompetent while in possession of a firearm when apprehended or who is
27 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

28 (h) Known to have been used or displayed by a person in the
29 violation of a proper written order of a court of general jurisdiction;

30 or

1 (i) Known to have been used in the commission of a crime of
2 violence or a crime in which a firearm was used or displayed or a
3 felony violation of the uniformed controlled substances act, chapter
4 69.50 RCW.

5 (2) Upon order of forfeiture, the court in its discretion shall
6 order destruction of any firearm that is illegal for any person to
7 possess. All firearms legal for citizen possession that are judicially
8 forfeited or forfeited due to failure to make a claim under RCW
9 63.32.010, 63.40.010, or 63.35.020 shall be submitted for auction to
10 commercial sellers once a year if the submitting agency has accumulated
11 at least ten firearms authorized for sale. Law enforcement agencies
12 may conduct joint auctions for the purpose of maximizing efficiency.
13 A maximum of ten percent of such firearms may be retained for use by
14 local law enforcement agencies and the Washington state patrol. Before
15 submission for auction, a court may temporarily retain forfeited
16 firearms if needed for evidence. The proceeds from any sale shall be
17 divided as follows: The local jurisdiction and the Washington state
18 patrol shall retain its costs, including actual costs of storage and
19 sale, and shall forward the remainder to the state department of
20 wildlife for use in its firearms training program pursuant to RCW
21 77.32.155.

22 If a firearm is delivered to a law enforcement agency and the
23 agency no longer requires use of the firearm, the agency shall dispose
24 of the firearm by auction as provided by this subsection. The public
25 auctioning agency shall, as a minimum, maintain a record of all
26 forfeited firearms by manufacturer, model, caliber, serial number, date
27 and circumstances of forfeiture, and final disposition. The records
28 shall be open to public inspection and copying.

29 (3) The court shall order the firearm returned to the owner upon a
30 showing that there is no probable cause to believe a violation of

1 subsection (1) of this section existed or the firearm was stolen from
2 the owner or the owner neither had knowledge of nor consented to the
3 act or omission involving the firearm which resulted in its forfeiture.

4 (4) A law enforcement officer of the state or of any county or
5 municipality may confiscate a firearm found to be in the possession of
6 a person under circumstances specified in subsection (1) of this
7 section. After confiscation, the firearm shall not be surrendered
8 except: (a) To the prosecuting attorney for use in subsequent legal
9 proceedings; (b) for disposition according to an order of a court
10 having jurisdiction as provided in subsection (1) of this section; or
11 (c) to the owner if the proceedings are dismissed or as directed in
12 subsection (3) of this section.