

2 **ESHB 1059** - S COMM AMD  
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.41.300 and 1985 c 428 s 2 are each amended to read  
8 as follows:

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

12 (a) The restricted access areas of a jail, or of a law enforcement  
13 facility, or any place used for the confinement of a person (i)  
14 arrested for, charged with, or convicted of an offense, (ii) charged  
15 with being or adjudicated to be a juvenile offender as defined in RCW  
16 13.40.020, (iii) held for extradition or as a material witness, or (iv)  
17 otherwise confined pursuant to an order of a court, except an order  
18 under chapter 13.32A or 13.34 RCW. Restricted access areas do not  
19 include common areas of egress or ingress open to the general public;

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

32 In addition, the local legislative authority shall provide either  
33 a stationary locked box sufficient in size for short firearms and key  
34 to a weapon owner for weapon storage, or shall designate an official to  
35 receive weapons for safekeeping, during the owner's visit to restricted  
36 areas of the building. The locked box or designated official shall be

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

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

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

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

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

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

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

29 (i) Any firearm in the possession of a person licensed under RCW  
30 9.41.070; or

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

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

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

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

1 (b) Law enforcement personnel; or  
2 (c) Security personnel while engaged in official duties.

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

10 ~~(6) ((Subsection (1)(b) of this section does not apply to a judge  
11 or court employee or to any person licensed under RCW 9.41.070 who,  
12 before entering the restricted area, directly and promptly proceeds to  
13 the court administrator or the administrator's designee and obtains  
14 written permission to possess the firearm.~~

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

21 ~~((8))~~ (7) Subsection (1)(d) of this section does not apply to the  
22 proprietor of the premises or his or her employees while engaged in  
23 their employment.

24 ~~((9))~~ (8) Any person violating subsection (1) of this section is  
25 guilty of a misdemeanor.

26 (9) "Weapon" as used in this section means any firearm, explosive  
27 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
28 9.41.250."

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32 On page 1, line 1 of the title, after "facilities;" strike the  
33 remainder of the title and insert "amending RCW 9.41.300; and  
34 prescribing penalties."

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