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HOUSE BILL 1059

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State of Washington

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By Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang

Read first time 01/13/93. Referred to Committee on Judiciary.

1 AN ACT Relating to the possession of weapons in court facilities;  
2 amending RCW 9.41.300 and 9.41.290; and adding a new section to chapter  
3 9.41 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
6 to read as follows:

7 (1) Except as provided in subsection (3) of this section, it is a  
8 misdemeanor for any person to enter or attempt to enter a judge's  
9 chamber or courtroom, or any area restricted under subsection (2) of  
10 this section, when he or she knowingly possesses or knowingly has under  
11 his or her control a firearm or other dangerous weapon.

12 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and  
13 other municipalities may enact laws and ordinances restricting the  
14 possession of firearms or other dangerous weapons in all or any other  
15 portion of their respective buildings containing a courtroom or judge's  
16 chamber. Any city, town, county, or other municipality that restricts  
17 the possession of firearms or other dangerous weapons in all or any  
18 other portion of their respective buildings shall provide a locked box

1 and key to a weapon owner for weapon storage during his or her visit to  
2 the building.

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

4 (a) A person engaged in military activities sponsored by the  
5 federal or state government while engaged in official duties;

6 (b) Law enforcement personnel while engaged in official duties; or

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

8 (4) "Dangerous weapon" as used in this section means a weapon,  
9 device, instrument, material, or substance which under the  
10 circumstances in which it is used, attempted to be used, or threatened  
11 to be used, is readily capable of causing death or substantial bodily  
12 harm.

13 (5) A law enforcement officer of the state, any county, city, town,  
14 or other municipality may confiscate a firearm or other dangerous  
15 weapon where there is probable cause to believe that the firearm or  
16 weapon is possessed in violation of this section. After confiscation,  
17 the firearm or other dangerous weapon shall be surrendered only as  
18 provided by RCW 9.41.098.

19 (6) The superior courts and the courts of limited jurisdiction of  
20 the state may order forfeiture of a firearm or other dangerous weapon  
21 that is proven to be possessed in violation of this section. Any  
22 firearm or weapon forfeited under this section shall be disposed of in  
23 the manner provided by RCW 9.41.098.

24 (7) Notice of the provisions of subsection (1) of this section and  
25 any laws or ordinances adopted under subsection (2) of this section  
26 shall be posted conspicuously at each entrance to the building,  
27 courtroom, and judge's chamber.

28 **Sec. 2.** RCW 9.41.300 and 1985 c 428 s 2 are each amended to read  
29 as follows:

30 (1) It is unlawful for any person to enter the following places  
31 when he or she knowingly possesses or knowingly has under his or her  
32 control a firearm:

33 (a) The restricted access areas of a jail, or of a law enforcement  
34 facility, or any place used for the confinement of a person (i)  
35 arrested for, charged with, or convicted of an offense, (ii) charged  
36 with being or adjudicated to be a juvenile offender as defined in RCW  
37 13.40.020, (iii) held for extradition or as a material witness, or (iv)  
38 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 or judge's chamber, while either is being used  
4 for any judicial proceeding. This does not include common areas of  
5 egress and ingress of the courthouse;~~

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

12 ~~((d))~~) (c) That portion of an establishment classified by the  
13 state liquor control board as off-limits to persons under twenty-one  
14 years of age.

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

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

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

26 (i) Any firearm in the possession of a person licensed under RCW  
27 9.41.070; or

28 (ii) Any showing, demonstration, or lecture involving the  
29 exhibition of firearms.

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

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

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

37 (b) Law enforcement personnel; or

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

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

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

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

19 ~~((8))~~ (7) Subsection (1)((~~d~~)) (c) of this section does not  
20 apply to the proprietor of the premises or his or her employees while  
21 engaged in their employment.

22 ~~((9))~~ (8) Any person violating subsection (1) of this section is  
23 guilty of a misdemeanor.

24 **Sec. 3.** RCW 9.41.290 and 1985 c 428 s 1 are each amended to read  
25 as follows:

26 The state of Washington hereby fully occupies and preempts the  
27 entire field of firearms regulation within the boundaries of the state,  
28 including the registration, licensing, possession, purchase, sale,  
29 acquisition, transfer, discharge, and transportation of firearms, or  
30 any other element relating to firearms or parts thereof, including  
31 ammunition and reloader components. Cities, towns, and counties or  
32 other municipalities may enact only those laws and ordinances relating  
33 to firearms that are specifically authorized by RCW 9.41.300 or section  
34 1 of this act or other state law and are consistent with this chapter.  
35 Such local ordinances shall have the same or lesser penalty as provided  
36 for by state law. Local laws and ordinances that are inconsistent  
37 with, more restrictive than, or exceed the requirements of state law  
38 shall not be enacted and are preempted and repealed, regardless of the

1 nature of the code, charter, or home rule status of such city, town,  
2 county, or municipality.

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