

# SENATE BILL REPORT

## SSB 6389

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As Passed Senate, February 16, 2004

**Title:** An act relating to weapons in commercial service airports.

**Brief Description:** Prohibiting weapons in restricted access areas of commercial service airports.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Brandland, Haugen, Esser, Rasmussen, Kline, Murray and Kohl-Welles).

**Brief History:**

**Committee Activity:** Judiciary: 1/29/04, 1/30/04 [DPS].

Passed Senate: 2/16/04, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

**Staff:** Aldo Melchiori (786-7439)

**Background:** It is a gross misdemeanor for any person to enter the following places when he or she knowingly possesses a weapon: (a) restricted areas of jails or law enforcement facilities; (b) areas in public buildings used in connection with court proceedings; (c) restricted areas of public mental health facilities; or (d) that portion of an establishment classified by the state Liquor Control Board as off-limits to persons under the age of 21.

It is unlawful for a person to carry a firearm onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools. This offense is also a gross misdemeanor. Any convicted person must have his or her concealed pistol license revoked for a period of three years.

The state fully occupies and preempts the entire field of firearms regulation within the state. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed. Cities, towns, counties, and other municipalities, however, are allowed to enact laws and ordinances restricting the possession of firearms in a stadium or convention center. Those restrictions do not apply to persons with a valid concealed pistol license.

**Summary of Bill:** It is a gross misdemeanor (punishable by not more than one year of confinement and/or a \$5,000 fine) to enter the restricted areas of a commercial service airport, including the passenger screening checkpoints, while knowingly possessing or controlling a weapon. The areas do not include airport drives, walkways and general parking areas, as well

as areas of the terminal outside the screening checkpoints that are normally open to unscreened passengers and visitors.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There are enforcement gaps at airports created by the unavailability of federal law enforcement personnel to take custody of offenders under federal law. There is no current equivalent authority under state law to arrest persons carrying dangerous weapons in restricted areas. Without this authority, state law enforcement officials can only detain persons illegally carrying weapons for a short time, sometimes not long enough for the federal officials to arrive.

**Testimony Against:** None.

**Testified:** PRO: Larry Erickson, WASPC; Tim Kimsey, Port of Seattle Police; Virginia Kirk, Port of Seattle Police; Peter Troyer, Spokane International Airport Police; Brian Judy NRA; Eric Robertson, U.S. Marshal.

**House Amendment(s):** Restricted access areas must be clearly indicated by signs indicating that firearms and other weapons are prohibited in the area.