
SENATE BILL 5344

State of Washington 59th Legislature 2005 Regular Session

By Senators Fairley, Kohl-Welles, Prentice, Kline, Berkey, Haugen, Rasmussen, McAuliffe, Regala, Keiser, Spanel, Thibaudeau and Fraser

Read first time 01/20/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of firearms on the state capitol
2 campus; reenacting and amending RCW 9.41.300; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each
6 reenacted and amended to read as follows:

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

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

17 (b) Those areas in any building which are used in connection with
18 court proceedings, including courtrooms, jury rooms, judge's chambers,
19 offices and areas used to conduct court business, waiting areas, and

1 corridors adjacent to areas used in connection with court proceedings.
2 The restricted areas do not include common areas of ingress and egress
3 to the building that is used in connection with court proceedings, when
4 it is possible to protect court areas without restricting ingress and
5 egress to the building. The restricted areas shall be the minimum
6 necessary to fulfill the objective of this subsection (1)(b).

7 In addition, the local legislative authority shall provide either
8 a stationary locked box sufficient in size for pistols and key to a
9 weapon owner for weapon storage, or shall designate an official to
10 receive weapons for safekeeping, during the owner's visit to restricted
11 areas of the building. The locked box or designated official shall be
12 located within the same building used in connection with court
13 proceedings. The local legislative authority shall be liable for any
14 negligence causing damage to or loss of a weapon either placed in a
15 locked box or left with an official during the owner's visit to
16 restricted areas of the building.

17 The local judicial authority shall designate and clearly mark those
18 areas where weapons are prohibited, and shall post notices at each
19 entrance to the building of the prohibition against weapons in the
20 restricted areas;

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

27 (d) That portion of an establishment classified by the state liquor
28 control board as off-limits to persons under twenty-one years of age;
29 or

30 (e) The restricted access areas of a commercial service airport
31 designated in the airport security plan approved by the federal
32 transportation security administration, including passenger screening
33 checkpoints at or beyond the point at which a passenger initiates the
34 screening process. These areas do not include airport drives, general
35 parking areas and walkways, and shops and areas of the terminal that
36 are outside the screening checkpoints and that are normally open to
37 unscreened passengers or visitors to the airport. Any restricted

1 access area shall be clearly indicated by prominent signs indicating
2 that firearms and other weapons are prohibited in the area.

3 (2) It is unlawful for any person to enter the state legislative
4 building on the state capitol campus when he or she knowingly possesses
5 or knowingly has under his or her control a firearm.

6 The state patrol shall provide either a stationary locked box
7 sufficient in size for pistols and key to a firearm owner for firearm
8 storage, or shall designate an official to receive firearms for
9 safekeeping, during the owner's visit to the building. The locked box
10 or designated official shall be located at the state legislative
11 building. The state patrol shall be liable for any negligence causing
12 damage to or loss of a firearm either placed in a locked box or left
13 with an official during the owner's visit to the building.

14 The state patrol shall designate and clearly mark those areas where
15 firearms are prohibited, and shall post notices at each entrance to the
16 building of the prohibition against firearms.

17 (3) Cities, towns, counties, and other municipalities may enact
18 laws and ordinances:

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

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

28 (i) Any pistol in the possession of a person licensed under RCW
29 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

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

32 ~~((3))~~ (4)(a) Cities, towns, and counties may enact ordinances
33 restricting the areas in their respective jurisdictions in which
34 firearms may be sold, but, except as provided in (b) of this
35 subsection, a business selling firearms may not be treated more
36 restrictively than other businesses located within the same zone. An
37 ordinance requiring the cessation of business within a zone shall not

1 have a shorter grandfather period for businesses selling firearms than
2 for any other businesses within the zone.

3 (b) Cities, towns, and counties may restrict the location of a
4 business selling firearms to not less than five hundred feet from
5 primary or secondary school grounds, if the business has a storefront,
6 has hours during which it is open for business, and posts
7 advertisements or signs observable to passersby that firearms are
8 available for sale. A business selling firearms that exists as of the
9 date a restriction is enacted under this subsection ~~((+3))~~ (4)(b)
10 shall be grandfathered according to existing law.

11 ~~((+4))~~ (5) Violations of local ordinances adopted under subsection
12 ~~((+2))~~ (3) of this section must have the same penalty as provided for
13 by state law.

14 ~~((+5))~~ (6) The perimeter of the premises of any specific location
15 covered by subsection (1) or (2) of this section shall be posted at
16 reasonable intervals to alert the public as to the existence of any law
17 restricting the possession of firearms on the premises.

18 ~~((+6))~~ (7) Subsections (1) and (2) of this section ~~((does))~~ do not
19 apply to:

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

22 (b) Law enforcement personnel, except that subsection (1)(b) of
23 this section does apply to a law enforcement officer who is present at
24 a courthouse building as a party to an action under chapter 10.14,
25 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
26 has alleged the existence of domestic violence as defined in RCW
27 26.50.010; or

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

29 ~~((+7))~~ (8) Subsection (1)(a) of this section does not apply to a
30 person licensed pursuant to RCW 9.41.070 who, upon entering the place
31 or facility, directly and promptly proceeds to the administrator of the
32 facility or the administrator's designee and obtains written permission
33 to possess the firearm while on the premises or checks his or her
34 firearm. The person may reclaim the firearms upon leaving but must
35 immediately and directly depart from the place or facility.

36 ~~((+8))~~ (9) Subsection (1)(c) of this section does not apply to any
37 administrator or employee of the facility or to any person who, upon
38 entering the place or facility, directly and promptly proceeds to the

1 administrator of the facility or the administrator's designee and
2 obtains written permission to possess the firearm while on the
3 premises.

4 ~~((+9))~~ (10) Subsection (1)(d) of this section does not apply to
5 the proprietor of the premises or his or her employees while engaged in
6 their employment.

7 ~~((+10))~~ (11) Any person violating subsection (1) or (2) of this
8 section is guilty of a gross misdemeanor.

9 ~~((+11))~~ (12) "Weapon" as used in this section means any firearm,
10 explosive as defined in RCW 70.74.010, or instrument or weapon listed
11 in RCW 9.41.250.

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