

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 6322**

Chapter 33, Laws of 2008

60th Legislature  
2008 Regular Session

WEAPON DEFINITION

EFFECTIVE DATE: 06/12/08

Passed by the Senate February 15, 2008  
YEAS 45 NAYS 3

BRAD OWEN

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**President of the Senate**

Passed by the House March 4, 2008  
YEAS 95 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 17, 2008, 2:48 p.m.

CHRISTINE GREGOIRE  
\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6322** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

March 18, 2008

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6322**

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Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Kohl-Welles, Fairley, and Kline; by request of Board For Judicial Administration)

READ FIRST TIME 01/28/08.

1            AN ACT Relating to revising the definition of a weapon; and  
2 reenacting and amending RCW 9.41.300.

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

4            **Sec. 1.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each  
5 reenacted and amended to read 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 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) held for  
12 extradition or as a material witness, or (iii) otherwise confined  
13 pursuant to an order of a court, except an order under chapter 13.32A  
14 or 13.34 RCW. Restricted access areas do not include common areas of  
15 egress or ingress open to the general public;

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

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

6 For purposes of this subsection (1)(b), "weapon" means any firearm,  
7 explosive as defined in RCW 70.74.010, or any weapon of the kind  
8 usually known as slung shot, sand club, or metal knuckles, or any  
9 knife, dagger, dirk, or other similar weapon that is capable of causing  
10 death or bodily injury and is commonly used with the intent to cause  
11 death or bodily injury.

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

22 The local judicial authority shall designate and clearly mark those  
23 areas where weapons are prohibited, and shall post notices at each  
24 entrance to the building of the prohibition against weapons in the  
25 restricted areas;

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

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

35 (e) The restricted access areas of a commercial service airport  
36 designated in the airport security plan approved by the federal  
37 transportation security administration, including passenger screening  
38 checkpoints at or beyond the point at which a passenger initiates the

1 screening process. These areas do not include airport drives, general  
2 parking areas and walkways, and shops and areas of the terminal that  
3 are outside the screening checkpoints and that are normally open to  
4 unscreened passengers or visitors to the airport. Any restricted  
5 access area shall be clearly indicated by prominent signs indicating  
6 that firearms and other weapons are prohibited in the area.

7 (2) Cities, towns, counties, and other municipalities may enact  
8 laws and ordinances:

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

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

18 (i) Any pistol in the possession of a person licensed under RCW  
19 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

20 (ii) Any showing, demonstration, or lecture involving the  
21 exhibition of firearms.

22 (3)(a) Cities, towns, and counties may enact ordinances restricting  
23 the areas in their respective jurisdictions in which firearms may be  
24 sold, but, except as provided in (b) of this subsection, a business  
25 selling firearms may not be treated more restrictively than other  
26 businesses located within the same zone. An ordinance requiring the  
27 cessation of business within a zone shall not have a shorter  
28 grandfather period for businesses selling firearms than for any other  
29 businesses within the zone.

30 (b) Cities, towns, and counties may restrict the location of a  
31 business selling firearms to not less than five hundred feet from  
32 primary or secondary school grounds, if the business has a storefront,  
33 has hours during which it is open for business, and posts  
34 advertisements or signs observable to passersby that firearms are  
35 available for sale. A business selling firearms that exists as of the  
36 date a restriction is enacted under this subsection (3)(b) shall be  
37 grandfathered according to existing law.

1 (4) Violations of local ordinances adopted under subsection (2) of  
2 this section must have the same penalty as provided for by state law.

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

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

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

10 (b) Law enforcement personnel, except that subsection (1)(b) of  
11 this section does apply to a law enforcement officer who is present at  
12 a courthouse building as a party to an action under chapter 10.14,  
13 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
14 has alleged the existence of domestic violence as defined in RCW  
15 26.50.010; or

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

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

24 (8) Subsection (1)(c) of this section does not apply to any  
25 administrator or employee of the facility or to any person who, upon  
26 entering the place or facility, directly and promptly proceeds to the  
27 administrator of the facility or the administrator's designee and  
28 obtains written permission to possess the firearm while on the  
29 premises.

30 (9) Subsection (1)(d) of this section does not apply to the  
31 proprietor of the premises or his or her employees while engaged in  
32 their employment.

33 (10) Any person violating subsection (1) of this section is guilty  
34 of a gross misdemeanor.

35 (11) "Weapon" as used in this section means any firearm, explosive  
36 as defined in RCW 70.74.010, or instrument or weapon listed in RCW

1 9.41.250.

Passed by the Senate February 15, 2008.

Passed by the House March 4, 2008.

Approved by the Governor March 17, 2008.

Filed in Office of Secretary of State March 18, 2008.