

SENATE BILL REPORT

ESSB 5434

As Amended by House, March 3, 2020

Title: An act relating to restricting possession of weapons in certain locations.

Brief Description: Restricting possession of weapons in certain locations.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Wilson, C., Hunt, Keiser, Kuderer, Nguyen and Pedersen).

Brief History:

Committee Activity: Law & Justice: 2/14/19, 2/21/19 [DPS, DNP].

Floor Activity:

Passed Senate: 3/11/19, 26-21; 2/13/20, 27-20.

Passed House: 3/03/20, 56-40.

Brief Summary of Engrossed First Substitute Bill

- Prohibits possession of firearms on the premises of any licensed child care center, child care center provided-transportation, or other child care center facility.
- Requires a family day care provider to secure firearms on the premises in a locked gun safe or unloaded in a locked room with a trigger lock or other disabling device.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; Holy and Wilson, L..

Staff: Shani Bauer (786-7468)

Background: Firearms Prohibited in Designated Places. Weapons, including firearms, are prohibited statewide in certain designated places. These places are:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- the restricted access areas of a jail or law enforcement facility;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access areas of a public mental health facility;
- taverns and other places that are made off-limits to persons under age twenty-one by liquor control board rules; and
- the restricted access areas of commercial service airports.

The perimeter of the above premises must be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises. Any person violating this section is guilty of a gross misdemeanor.

The state fully occupies and preempts the entire field of firearms regulation within the state. Local laws and ordinances inconsistent with, more restrictive than, or exceeding 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 firearms possession in a stadium or convention center. Those restrictions do not apply to persons with a valid concealed pistol license.

Firearms Prohibited in Schools. Weapons, including firearms, are prohibited in any public or private elementary school or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools. Violation of this provision is a gross misdemeanor and will result in revocation of a person's concealed pistol license for three years. Signs must be posted on the premises warning people of the prohibition of firearms possession on school grounds.

Unsafe Storage of Firearms. A person is guilty of the unsafe storage of a firearm if the person stores a firearm where a person reasonably should know that a prohibited person may gain access to the firearm, the prohibited person obtains access to the firearm, and discharges the firearm in some manner. If the discharge of the firearm causes personal injury or death, the crime is a class C felony. A person will not be guilty if the firearm was in secure gun storage, or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm.

Secure gun storage is when the unloaded firearm is stored in a locked box, gun safe, or other secure locked storage space designed to prevent unauthorized use or discharge of a firearm.

Child Care Centers. A child day care center means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours. A family day care provider is a child care provider who regularly provides early childhood education and early learning services for not more than 12 children in the provider's home in the family living quarters. Child day care centers and family day care providers are licensed and regulated by the Department of Children, Youth, and Families (DCYF).

Summary of Engrossed First Substitute Bill: Firearms Prohibited in Child Care Centers. Weapons, including firearms, are prohibited from any licensed child care center, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center. Violation of this provision is a gross misdemeanor and will result in revocation

of a person's concealed pistol license for a period of three years. Signs must be posted on the premises warning people of the prohibition of the possession of firearms on child care center premises. The prohibition does not apply to family day care provider homes, any person in legal possession of a firearm secured in a vehicle, or any law enforcement officer.

A family day care provider must store any firearm, ammunition, or other weapon in a secure area when children are present on the premises. The secure area must be inaccessible to children and must consist of a locked gun safe or a locked room. If stored in a locked room, the firearm must be unloaded and have a trigger lock or other disabling feature. DCYF may deny, suspend, or revoke the license of any child care provider who violates this section.

Appropriation: None.

Fiscal Note: Requested on February 5, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: School is a gun free zone, yet there are many other places where children spend time and play. These gun free zones should be extended to other spaces where we send our children so that no matter where they go, they are kept safe. Twenty percent of all deaths of youth are firearm related.

This bill protects firearm owners by requiring signage and outlining recourse for owners to store their weapons while in those institutions. Last year 1200 children under the age of nineteen were killed by gun violence. This bill reduces the possibility of a child getting possession of a firearm.

Gun violence threatens the physical and mental well-being of children. No law alone can eliminate gun violence, but there is more we can do to reduce gun violence. This is a smart bill and is exactly the type of legislation that WA citizens want to see. Guns in any area with children are present is more of a liability than an asset.

CON: Statistically, 96.2 percent of shootings occurred in gun free zones. What sense does it make to expand gun free zones, yet presume to disarm those that would protect those that are there?

Signs do nothing more than advertise the area as a soft target for those that would seek to do harm. By definition, criminals do not follow the law. Right to carry laws decrease the probability of mass shootings and the number of victims. This bill advertises for persons wanting to steal a gun, that they should go check out the vehicles at a library, daycare, or park.

Guns are not violent, but the people who operate them may be. Signs preventing guns will only be respected by those who follow the law. What could be safer for a criminal than a gun

free zone to commit criminal activity? This nation was founded on the ability to protect ourselves and our families. Safe firearm handling is a learned skill.

Please consider whether this bill will really improve public safety. The only people this will impact is those that care about following the law. These are also the people who would be a defense if a criminal attempted to commit a crime in these areas. Arbitrarily expanding gun free zones will only impact citizens from being able to protect themselves in these locations.

OTHER: Librarians have apprehension regarding the implementation of this legislation. The burden of enforcing this law would fall to librarians who do not have the expertise to enforce this issue and do not want the responsibility. Given statements that many sheriffs have made about I-1639, librarians are concerned that the sheriff would not respond if they asked for police assistance.

Public libraries have a broader clientele than schools. There are likely some patrons who will discontinue using the library because of this law. Others use the library because they are economically disadvantaged. Those patrons may not have secure avenues to store a weapon.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Jordan Waits, citizen; Judith McGinty, citizen; Meredith Goldstein, citizen.

CON: Paul Hacker, citizen; Adam Gelado, citizen; Radona Devereaux, citizen; Philip Watson, Firearms Policy Coalition; J. B. Herren, Northwest Safety First; Keely Hopkins, National Rifle Association.

OTHER: Abby Moore, Public Libraries of Washington; John Sheller, Government Relations for King County Library System.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S): A person who has a valid concealed pistol license (CPL), or who is exempt from the CPL requirement, may carry a concealed firearm on the premises of a child care center while picking up or dropping off a child. A family day care provider is only required to store firearms, ammunition, or other weapons in a secure area while children for whom the family day care provider is licensed to provide care are present on the premises.

When the court revokes a person's CPL for possessing a firearm on the premises of a child care center, the court is not required to send notice of the revocation to the city, town, or county that issued the CPL. Instead, the court must order the immediate surrender of the person's CPL and, within three judicial days, send to the Department of Licensing (DOL) notice of the required revocation of any CPL held by the person. DOL must determine if the person has a CPL, and if so, notify the license-issuing authority, which must immediately revoke the CPL upon receipt of the notification.