

FINAL BILL REPORT

ESSB 5038

C 261 L 21

Synopsis as Enacted

Brief Description: Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Lias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman and Wilson, C.).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

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

- 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 off-limits to persons under age 21 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 to the existence of any law restricting the possession of firearms on the premises.

"Weapon" is defined in statute as a firearm, explosive, or an instrument or weapon listed in another statute governing dangerous weapons. The dangerous weapon statute prohibits:

- the possession of slung shots, sand clubs, metal knuckles, spring blade knives, and knives that open by a spring mechanism or by the force of gravity or a downward or outward thrust;
- the furtive carrying, with intent to conceal, any dagger, dirk, pistol, or other dangerous weapon; and
- the use of any device for suppressing the noise of a firearm.

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

Any person violating this prohibition is guilty of a gross misdemeanor.

Gross Misdemeanors. Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both.

Summary: It is unlawful for any person to knowingly open carry a firearm or any weapon:

- while at any demonstration being held at a public place—this prohibition applies whether the person carries the weapon on their person or in a vehicle;
- within 250 feet of the perimeter of a permitted demonstration at a public place after a duly authorized state or local law enforcement officer advises the person of the demonstration and directs the person to leave until they no longer possess or control a weapon—this prohibition does not apply to any person possessing or controlling any firearm or other weapon on private property owned or leased by that person; and
- on the west state capitol grounds, in any building on the state capitol grounds, in any state legislative office, or at any location of a public legislative hearing or meeting during the hearing or meeting.

Federal, state, and local law enforcement officers and personnel are exempt from the prohibition when carrying a firearm in conformance with their employing agency's policy.

"Permitted demonstration" means a gathering of 15 or more people at a single event in a public place for which a permit has been issued by a government agency or has been designated as permitted by certain local government officials.

A gathering is a demonstration, march, rally, vigil, sit-in, protest, picketing, or similar public assembly.

"Public place" means any site accessible to the general public for business, entertainment, or other lawful purpose. It includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds.

A person violating these prohibitions is guilty of a gross misdemeanor.

Nothing in the act applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license. A severability clause is included, stating that if any provision of the act is held invalid, other provisions in the act are not affected.

Votes on Final Passage:

Senate	28	20	
House	57	40	(House amended)
Senate	28	21	(Senate concurred)

Effective: May 12, 2021