

SENATE BILL REPORT

SB 5690

As Reported by Senate Committee On:
Law & Justice, January 27, 2022

Title: An act relating to firearms on the capitol campus for the sole purpose of organized memorial events.

Brief Description: Concerning firearms on the capitol campus for the sole purpose of organized memorial events.

Sponsors: Senators Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner.

Brief History:

Committee Activity: Law & Justice: 1/17/22, 1/27/22 [DPS].

Brief Summary of First Substitute Bill

- Exempts fully uniformed color guard and honor guard affiliated with a veterans service organization recognized by the Washington Department of Veterans Affairs from liability when carrying a firearm or other weapon on the capitol campus while actively participating in, walking to, and leaving permitted events.
- Allows the Department of Enterprise Services to make such reasonable rules, regulations, and orders as may be necessary to properly administer and enforce exemptions for duly authorized federal, state, or local law enforcement officers or personnel; members of the armed forces of the United States or the state of Washington; and, fully uniformed color guard and honor guard affiliated with a veterans services organization recognized by the Washington Department of Veterans Affairs.

SENATE COMMITTEE ON LAW & JUSTICE

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.

Majority Report: That Substitute Senate Bill No. 5690 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Salomon and Wagoner.

Staff: Ryan Giannini (786-7285)

Background: The open carry of firearms is generally prohibited in certain buildings on the west state capitol campus, any buildings on the state capitol grounds, any state legislative offices, or any location of a public legislative hearing or meeting during the hearing or meeting. "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as: Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's Mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse Buildings.

A violation of this prohibition is a gross misdemeanor.

Exceptions to the prohibition are provided for law enforcement personnel, for persons with valid concealed pistol licenses, and for members of the armed forces who carry a firearm or other weapon in the discharge of their official duty or traveling to or from official duty.

Summary of Bill (First Substitute): Fully uniformed color guard and honor guard affiliated with a veterans service organization recognized by the Washington Department of Veterans Affairs are exempt from liability when carrying a firearm or other weapon on the capitol campus while actively participating in, walking to, and leaving permitted events.

The Department of Enterprise Services may make such reasonable rules, regulations, and orders as may be necessary to properly administer and enforce exemptions for duly authorized federal, state, or local law enforcement officers or personnel; members of the armed forces of the United States or the state of Washington; and, fully uniformed color guard and honor guard affiliated with a veterans services organization recognized by the Washington Department of Veterans Affairs.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Requires that color guard and honor guard be fully uniformed and affiliated with a veterans service organization recognized by the Washington Department of Veterans Affairs.
- Requires that events be permitted.

- Allows the Department of Enterprise services to make such reasonable rules, regulations, and orders as may be necessary to properly administer and enforce exemptions for duly authorized federal, state, or local law enforcement officers or personnel; members of the armed forces of the United States or the state of Washington; and, fully uniformed color guard and honor guard affiliated with a veterans services organization recognized by the Washington Department of Veterans Affairs.

Appropriation: None.

Fiscal Note: Not requested.

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: The bill makes a small change to the prohibition on open carry of firearms at the capitol campus. It does not seem to be the intent of the Legislature to intentionally exclude military ceremonies to honor the deaths of service members. This bill is limited in scope and will allow these military honors to continue on the capitol campus by providing an exception for the honor guard and color guard. The bill does not fix all the problems that SB 5038 created, but it is a step in the right direction.

CON: Further separating the rights of individual citizens versus members of law enforcement and the military negatively affects the civil relations between these groups and the general community. If a citizen is not allowed to carry a firearm, then perhaps we should consider why that is and why military and police should be allowed to carry a firearm in certain circumstances. While the deaths of uniformed service members should be honored and their families respected, an additional privilege that is not provided to the average citizen may not be the best way to honor uniformed service members and their families.

OTHER: It is really important that we are able to have military ceremonies and military duties. It seems like the exceptions for honor guards and color guards are already covered under official duties of color guards and honors guards that are military and police. It might not be necessary to spend the energy on this bill if there are already exceptions in place, unless there actually needs to be an update.

Persons Testifying: PRO: Senator Chris Gildon, Prime Sponsor; Ronald Hardy.

CON: Carter McKaughan, Montlake Investigations Group.

OTHER: Jordan Waits.

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