
SUBSTITUTE SENATE BILL 5568

State of Washington

67th Legislature

2022 Regular Session

By Senate Law & Justice (originally sponsored by Senators Kuderer, Dhingra, Keiser, Lovelett, Nguyen, Saldaña, Stanford, and C. Wilson)

READ FIRST TIME 01/28/22.

1 AN ACT Relating to preemption of municipal laws restricting the
2 open carry of weapons; amending RCW 9.41.300; reenacting and amending
3 RCW 9.41.300; providing an effective date; providing an expiration
4 date; and declaring an emergency.

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

6 **Sec. 1.** RCW 9.41.300 and 2021 c 261 s 1 are each amended to read
7 as follows:

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

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

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

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

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

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

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

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

33 (d) That portion of an establishment classified by the state
34 liquor and cannabis board as off-limits to persons under 21 years of
35 age; or

36 (e) The restricted access areas of a commercial service airport
37 designated in the airport security plan approved by the federal
38 transportation security administration, including passenger screening
39 checkpoints at or beyond the point at which a passenger initiates the
40 screening process. These areas do not include airport drives, general

1 parking areas and walkways, and shops and areas of the terminal that
2 are outside the screening checkpoints and that are normally open to
3 unscreened passengers or visitors to the airport. Any restricted
4 access area shall be clearly indicated by prominent signs indicating
5 that firearms and other weapons are prohibited in the area.

6 (2) (a) Except as provided in (c) of this subsection, it is
7 unlawful for any person to knowingly open carry a firearm or other
8 weapon while knowingly at any permitted demonstration. This
9 subsection (2) (a) applies whether the person carries the firearm or
10 other weapon on his or her person or in a vehicle.

11 (b) It is unlawful for any person to knowingly open carry a
12 firearm or other weapon while knowingly within 250 feet of the
13 perimeter of a permitted demonstration after a duly authorized state
14 or local law enforcement officer advises the person of the permitted
15 demonstration and directs the person to leave until he or she no
16 longer possesses or controls the firearm or other weapon. This
17 subsection (2) (b) does not apply to any person possessing or
18 controlling any firearm or other weapon on private property owned or
19 leased by that person.

20 (c) Duly authorized federal, state, and local law enforcement
21 officers and personnel are exempt from the provisions of this
22 subsection (2) when carrying a firearm or other weapon in conformance
23 with their employing agency's policy. Members of the armed forces of
24 the United States or the state of Washington are exempt from the
25 provisions of this subsection (2) when carrying a firearm or other
26 weapon in the discharge of official duty or traveling to or from
27 official duty.

28 (d) For purposes of this subsection, the following definitions
29 apply:

30 (i) "Permitted demonstration" means either: (A) A gathering for
31 which a permit has been issued by a federal agency, state agency, or
32 local government; or (B) a gathering of 15 or more people who are
33 assembled for a single event at a public place that has been declared
34 as permitted by the chief executive, sheriff, or chief of police of a
35 local government in which the gathering occurs. A "gathering" means a
36 demonstration, march, rally, vigil, sit-in, protest, picketing, or
37 similar public assembly.

38 (ii) "Public place" means any site accessible to the general
39 public for business, entertainment, or another lawful purpose. A
40 "public place" includes, but is not limited to, the front, immediate

1 area, or parking lot of any store, shop, restaurant, tavern, shopping
2 center, or other place of business; any public building, its grounds,
3 or surrounding area; or any public parking lot, street, right-of-way,
4 sidewalk, public park, or other public grounds.

5 (iii) "Weapon" has the same meaning given in subsection (1)(b) of
6 this section.

7 (e) Nothing in this subsection applies to the lawful concealed
8 carry of a firearm by a person who has a valid concealed pistol
9 license.

10 (3) Cities, towns, counties, and other municipalities may enact
11 laws and ordinances:

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

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

21 (i) Any pistol in the possession of a person licensed under RCW
22 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

23 (ii) Any showing, demonstration, or lecture involving the
24 exhibition of firearms; and

25 (c) Restricting the open carry of a firearm or other weapon at
26 public meetings held by a public agency as defined by RCW 42.30.020,
27 at buildings or facilities owned or operated by a city, town, county,
28 or other municipality, or at city or municipal parks within their
29 respective jurisdictions. Any such prohibition shall be indicated by
30 prominent signs at the public meeting, building, facility, or park
31 providing notice that firearms and other weapons are prohibited.

32 (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
38 have a shorter grandfather period for businesses selling firearms
39 than for any other businesses within the zone.

1 (b) Cities, towns, and counties may restrict the location of a
2 business selling firearms to not less than 500 feet from primary or
3 secondary school grounds, if the business has a storefront, has hours
4 during which it is open for business, and posts advertisements or
5 signs observable to passersby that firearms are available for sale. A
6 business selling firearms that exists as of the date a restriction is
7 enacted under this subsection (4)(b) shall be grandfathered according
8 to existing law.

9 (5) Violations of local ordinances adopted under subsection (3)
10 of this section must have the same penalty as provided for by state
11 law.

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

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

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

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

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

26 (8) Subsection (1)(a), (b), (c), and (e) of this section does not
27 apply to correctional personnel or community corrections officers, as
28 long as they are employed as such, who have completed government-
29 sponsored law enforcement firearms training, except that subsection
30 (1)(b) of this section does apply to a correctional employee or
31 community corrections officer who is present at a courthouse building
32 as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or
33 an action under Title 26 RCW where any party has alleged the
34 existence of domestic violence as defined in RCW 26.50.010.

35 (9) Subsection (1)(a) of this section does not apply to a person
36 licensed pursuant to RCW 9.41.070 who, upon entering the place or
37 facility, directly and promptly proceeds to the administrator of the
38 facility or the administrator's designee and obtains written
39 permission to possess the firearm while on the premises or checks his

1 or her firearm. The person may reclaim the firearms upon leaving but
2 must immediately and directly depart from the place or facility.

3 (10) Subsection (1)(c) of this section does not apply to any
4 administrator or employee of the facility or to any person who, upon
5 entering the place or facility, directly and promptly proceeds to the
6 administrator of the facility or the administrator's designee and
7 obtains written permission to possess the firearm while on the
8 premises.

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

12 (12) Government-sponsored law enforcement firearms training must
13 be training that correctional personnel and community corrections
14 officers receive as part of their job requirement and reference to
15 such training does not constitute a mandate that it be provided by
16 the correctional facility.

17 (13) Any person violating subsection (1) or (2) of this section
18 is guilty of a gross misdemeanor.

19 (14) "Weapon" as used in this section means any firearm,
20 explosive as defined in RCW 70.74.010, or instrument or weapon listed
21 in RCW 9.41.250.

22 **Sec. 2.** RCW 9.41.300 and 2021 c 261 s 1 and 2021 c 215 s 96 are
23 each reenacted and amended to read as follows:

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

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

34 (b) Those areas in any building which are used in connection with
35 court proceedings, including courtrooms, jury rooms, judge's
36 chambers, offices and areas used to conduct court business, waiting
37 areas, and corridors adjacent to areas used in connection with court
38 proceedings. The restricted areas do not include common areas of
39 ingress and egress to the building that is used in connection with

1 court proceedings, when it is possible to protect court areas without
2 restricting ingress and egress to the building. The restricted areas
3 shall be the minimum necessary to fulfill the objective of this
4 subsection (1)(b).

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

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

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

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

31 (d) That portion of an establishment classified by the state
32 liquor and cannabis board as off-limits to persons under 21 years of
33 age; or

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

1 unscreened passengers or visitors to the airport. Any restricted
2 access area shall be clearly indicated by prominent signs indicating
3 that firearms and other weapons are prohibited in the area.

4 (2)(a) Except as provided in (c) of this subsection, it is
5 unlawful for any person to knowingly open carry a firearm or other
6 weapon while knowingly at any permitted demonstration. This
7 subsection (2)(a) applies whether the person carries the firearm or
8 other weapon on his or her person or in a vehicle.

9 (b) It is unlawful for any person to knowingly open carry a
10 firearm or other weapon while knowingly within 250 feet of the
11 perimeter of a permitted demonstration after a duly authorized state
12 or local law enforcement officer advises the person of the permitted
13 demonstration and directs the person to leave until he or she no
14 longer possesses or controls the firearm or other weapon. This
15 subsection (2)(b) does not apply to any person possessing or
16 controlling any firearm or other weapon on private property owned or
17 leased by that person.

18 (c) Duly authorized federal, state, and local law enforcement
19 officers and personnel are exempt from the provisions of this
20 subsection (2) when carrying a firearm or other weapon in conformance
21 with their employing agency's policy. Members of the armed forces of
22 the United States or the state of Washington are exempt from the
23 provisions of this subsection (2) when carrying a firearm or other
24 weapon in the discharge of official duty or traveling to or from
25 official duty.

26 (d) For purposes of this subsection, the following definitions
27 apply:

28 (i) "Permitted demonstration" means either: (A) A gathering for
29 which a permit has been issued by a federal agency, state agency, or
30 local government; or (B) a gathering of 15 or more people who are
31 assembled for a single event at a public place that has been declared
32 as permitted by the chief executive, sheriff, or chief of police of a
33 local government in which the gathering occurs. A "gathering" means a
34 demonstration, march, rally, vigil, sit-in, protest, picketing, or
35 similar public assembly.

36 (ii) "Public place" means any site accessible to the general
37 public for business, entertainment, or another lawful purpose. A
38 "public place" includes, but is not limited to, the front, immediate
39 area, or parking lot of any store, shop, restaurant, tavern, shopping
40 center, or other place of business; any public building, its grounds,

1 or surrounding area; or any public parking lot, street, right-of-way,
2 sidewalk, public park, or other public grounds.

3 (iii) "Weapon" has the same meaning given in subsection (1)(b) of
4 this section.

5 (e) Nothing in this subsection applies to the lawful concealed
6 carry of a firearm by a person who has a valid concealed pistol
7 license.

8 (3) Cities, towns, counties, and other municipalities may enact
9 laws and ordinances:

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

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

19 (i) Any pistol in the possession of a person licensed under RCW
20 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

21 (ii) Any showing, demonstration, or lecture involving the
22 exhibition of firearms; and

23 (c) Restricting the open carry of a firearm or other weapon at
24 public meetings held by a public agency as defined by RCW 42.30.020,
25 at buildings or facilities owned or operated by a city, town, county,
26 or other municipality, or at city or municipal parks within their
27 respective jurisdictions. Any such prohibition shall be indicated by
28 prominent signs at the public meeting, building, facility, or park
29 providing notice that firearms and other weapons are prohibited.

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

38 (b) Cities, towns, and counties may restrict the location of a
39 business selling firearms to not less than 500 feet from primary or
40 secondary school grounds, if the business has a storefront, has hours

1 during which it is open for business, and posts advertisements or
2 signs observable to passersby that firearms are available for sale. A
3 business selling firearms that exists as of the date a restriction is
4 enacted under this subsection (4) (b) shall be grandfathered according
5 to existing law.

6 (5) Violations of local ordinances adopted under subsection (3)
7 of this section must have the same penalty as provided for by state
8 law.

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

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

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

16 (b) Law enforcement personnel, except that subsection (1)(b) of
17 this section does apply to a law enforcement officer who is present
18 at a courthouse building as a party to an antiharassment protection
19 order action or a domestic violence protection order action under
20 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any
21 party has alleged the existence of domestic violence as defined in
22 RCW 7.105.010; or

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

24 (8) Subsection (1)(a), (b), (c), and (e) of this section does not
25 apply to correctional personnel or community corrections officers, as
26 long as they are employed as such, who have completed government-
27 sponsored law enforcement firearms training, except that subsection
28 (1)(b) of this section does apply to a correctional employee or
29 community corrections officer who is present at a courthouse building
30 as a party to an antiharassment protection order action or a domestic
31 violence protection order action under chapter 7.105 or 10.99 RCW, or
32 an action under Title 26 RCW where any party has alleged the
33 existence of domestic violence as defined in RCW 7.105.010.

34 (9) Subsection (1)(a) of this section does not apply to a person
35 licensed pursuant to RCW 9.41.070 who, upon entering the place or
36 facility, directly and promptly proceeds to the administrator of the
37 facility or the administrator's designee and obtains written
38 permission to possess the firearm while on the premises or checks his
39 or her firearm. The person may reclaim the firearms upon leaving but
40 must immediately and directly depart from the place or facility.

1 (10) Subsection (1)(c) of this section does not apply to any
2 administrator or employee of the facility or to any person who, upon
3 entering the place or facility, directly and promptly proceeds to the
4 administrator of the facility or the administrator's designee and
5 obtains written permission to possess the firearm while on the
6 premises.

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

10 (12) Government-sponsored law enforcement firearms training must
11 be training that correctional personnel and community corrections
12 officers receive as part of their job requirement and reference to
13 such training does not constitute a mandate that it be provided by
14 the correctional facility.

15 (13) Any person violating subsection (1) or (2) of this section
16 is guilty of a gross misdemeanor.

17 (14) "Weapon" as used in this section means any firearm,
18 explosive as defined in RCW 70.74.010, or instrument or weapon listed
19 in RCW 9.41.250.

20 NEW SECTION. **Sec. 3.** Section 1 of this act is necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and takes effect immediately.

24 NEW SECTION. **Sec. 4.** Section 1 of this act expires July 1,
25 2022.

26 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,
27 2022.

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