
SENATE BILL 5446

State of Washington

68th Legislature

2023 Regular Session

By Senators Nguyen, Frame, Keiser, Kuderer, Llias, Lovelett, Saldaña, Trudeau, and Valdez

Read first time 01/18/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to the restoration of local government authority
2 to regulate firearms by adopting ordinances or regulations relating
3 to firearms that are in addition to or more restrictive than the
4 requirements of state law; reenacting and amending RCW 9.41.300;
5 adding a new section to chapter 9.41 RCW; creating a new section; and
6 repealing RCW 9.41.290.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that gun violence is
9 a public health crisis in Washington state. For over 30 years, local
10 towns, cities, and counties have been blocked from taking action on
11 their own to prevent gun violence because of the statewide preemption
12 of local regulations relating to firearms. The legislature intends to
13 provide local jurisdictions the ability to build upon statewide
14 standards and adopt responsible approaches to firearm regulations to
15 help address the epidemic of firearm violence in their communities by
16 restoring inherent local authority to adopt firearm regulations that
17 are in addition to or more restrictive than the requirements of state
18 law under the police power to protect public health, safety, and
19 welfare.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
2 to read as follows:

3 This chapter does not affect, modify, or limit the power of a
4 city, municipality, or county in this state to adopt an ordinance or
5 regulation relating to firearms that is in addition to or more
6 restrictive than the requirements of this chapter.

7 **Sec. 3.** RCW 9.41.300 and 2021 c 261 s 1 are each reenacted and
8 amended to read as follows:

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

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

19 (b) Those areas in any building which are used in connection with
20 court proceedings, including courtrooms, jury rooms, judge's
21 chambers, offices and areas used to conduct court business, waiting
22 areas, and corridors adjacent to areas used in connection with court
23 proceedings. The restricted areas do not include common areas of
24 ingress and egress to the building that is used in connection with
25 court proceedings, when it is possible to protect court areas without
26 restricting ingress and egress to the building. The restricted areas
27 shall be the minimum necessary to fulfill the objective of this
28 subsection (1)(b).

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

35 In addition, the local legislative authority shall provide either
36 a stationary locked box sufficient in size for pistols and key to a
37 weapon owner for weapon storage, or shall designate an official to
38 receive weapons for safekeeping, during the owner's visit to
39 restricted areas of the building. The locked box or designated

1 official shall be located within the same building used in connection
2 with court proceedings. The local legislative authority shall be
3 liable for any negligence causing damage to or loss of a weapon
4 either placed in a locked box or left with an official during the
5 owner's visit to restricted areas of the building.

6 The local judicial authority shall designate and clearly mark
7 those areas where weapons are prohibited, and shall post notices at
8 each entrance to the building of the prohibition against weapons in
9 the restricted areas;

10 (c) The restricted access areas of a public mental health
11 facility licensed or certified by the department of health for
12 inpatient hospital care and state institutions for the care of the
13 mentally ill, excluding those facilities solely for evaluation and
14 treatment. Restricted access areas do not include common areas of
15 egress and ingress open to the general public;

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

19 (e) The restricted access areas of a commercial service airport
20 designated in the airport security plan approved by the federal
21 transportation security administration, including passenger screening
22 checkpoints at or beyond the point at which a passenger initiates the
23 screening process. These areas do not include airport drives, general
24 parking areas and walkways, and shops and areas of the terminal that
25 are outside the screening checkpoints and that are normally open to
26 unscreened passengers or visitors to the airport. Any restricted
27 access area shall be clearly indicated by prominent signs indicating
28 that firearms and other weapons are prohibited in the area.

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

34 (b) It is unlawful for any person to knowingly open carry a
35 firearm or other weapon while knowingly within 250 feet of the
36 perimeter of a permitted demonstration after a duly authorized state
37 or local law enforcement officer advises the person of the permitted
38 demonstration and directs the person to leave until he or she no
39 longer possesses or controls the firearm or other weapon. This
40 subsection (2)(b) does not apply to any person possessing or

1 controlling any firearm or other weapon on private property owned or
2 leased by that person.

3 (c) Duly authorized federal, state, and local law enforcement
4 officers and personnel are exempt from the provisions of this
5 subsection (2) when carrying a firearm or other weapon in conformance
6 with their employing agency's policy. Members of the armed forces of
7 the United States or the state of Washington are exempt from the
8 provisions of this subsection (2) when carrying a firearm or other
9 weapon in the discharge of official duty or traveling to or from
10 official duty.

11 (d) For purposes of this subsection, the following definitions
12 apply:

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

21 (ii) "Public place" means any site accessible to the general
22 public for business, entertainment, or another lawful purpose. A
23 "public place" includes, but is not limited to, the front, immediate
24 area, or parking lot of any store, shop, restaurant, tavern, shopping
25 center, or other place of business; any public building, its grounds,
26 or surrounding area; or any public parking lot, street, right-of-way,
27 sidewalk, public park, or other public grounds.

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

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

33 ~~(3) ((Cities, towns, counties, and other municipalities may enact
34 laws and ordinances:~~

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

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

4 ~~(i) Any pistol in the possession of a person licensed under RCW~~
5 ~~9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or~~

6 ~~(ii) Any showing, demonstration, or lecture involving the~~
7 ~~exhibition of firearms.~~

8 ~~(4) (a) Cities, towns, and counties may enact ordinances~~
9 ~~restricting the areas in their respective jurisdictions in which~~
10 ~~firearms may be sold, but, except as provided in (b) of this~~
11 ~~subsection, a business selling firearms may not be treated more~~
12 ~~restrictively than other businesses located within the same zone. An~~
13 ~~ordinance requiring the cessation of business within a zone shall not~~
14 ~~have a shorter grandfather period for businesses selling firearms~~
15 ~~than for any other businesses within the zone.~~

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

24 ~~(5) Violations of local ordinances adopted under subsection (3)~~
25 ~~of this section must have the same penalty as provided for by state~~
26 ~~law.~~

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

31 ~~((7))~~ (4) Subsection (1) of this section does not apply to:

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

34 (b) Law enforcement personnel, except that subsection (1)(b) of
35 this section does apply to a law enforcement officer who is present
36 at a courthouse building as a party to an antiharassment protection
37 order action or a domestic violence protection order action under
38 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any
39 party has alleged the existence of domestic violence as defined in
40 RCW 7.105.010; or

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

2 (~~(+8)~~) (5) Subsection (1)(a), (b), (c), and (e) of this section
3 does not apply to correctional personnel or community corrections
4 officers, as long as they are employed as such, who have completed
5 government-sponsored law enforcement firearms training, except that
6 subsection (1)(b) of this section does apply to a correctional
7 employee or community corrections officer who is present at a
8 courthouse building as a party to an antiharassment protection order
9 action or a domestic violence protection order action under chapter
10 7.105 or 10.99 RCW, or an action under Title 26 RCW where any party
11 has alleged the existence of domestic violence as defined in RCW
12 7.105.010.

13 (~~(+9)~~) (6) Subsection (1)(a) of this section does not apply to a
14 person licensed pursuant to RCW 9.41.070 who, upon entering the place
15 or facility, directly and promptly proceeds to the administrator of
16 the facility or the administrator's designee and obtains written
17 permission to possess the firearm while on the premises or checks his
18 or her firearm. The person may reclaim the firearms upon leaving but
19 must immediately and directly depart from the place or facility.

20 (~~(+10)~~) (7) Subsection (1)(c) of this section does not apply to
21 any administrator or employee of the facility or to any person who,
22 upon entering the place or facility, directly and promptly proceeds
23 to the administrator of the facility or the administrator's designee
24 and obtains written permission to possess the firearm while on the
25 premises.

26 (~~(+11)~~) (8) Subsection (1)(d) of this section does not apply to
27 the proprietor of the premises or his or her employees while engaged
28 in their employment.

29 (~~(+12)~~) (9) Government-sponsored law enforcement firearms
30 training must be training that correctional personnel and community
31 corrections officers receive as part of their job requirement and
32 reference to such training does not constitute a mandate that it be
33 provided by the correctional facility.

34 (~~(+13)~~) (10) Any person violating subsection (1) or (2) of this
35 section is guilty of a gross misdemeanor.

36 (~~(+14)~~) (11) "Weapon" as used in this section means any firearm,
37 explosive as defined in RCW 70.74.010, or instrument or weapon listed
38 in RCW 9.41.250.

1 NEW SECTION. **Sec. 4.** RCW 9.41.290 (State preemption) and 1994
2 sp.s. c 7 s 428, 1985 c 428 s 1, & 1983 c 232 s 12 are each repealed.

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