

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5444

68th Legislature
2024 Regular Session

Passed by the Senate March 4, 2024
Yeas 27 Nays 21

President of the Senate

Passed by the House February 27, 2024
Yeas 58 Nays 36

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5444** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5444

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Valdez, Hunt, Kuderer, Nguyen, Pedersen, and Saldaña)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to restricting the possession of weapons,
2 excluding carrying a pistol by a person licensed to carry a concealed
3 pistol, on the premises of libraries, zoos, aquariums, and transit
4 facilities; and reenacting and amending RCW 9.41.300.

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 and 2021 c 215 s 96 are
7 each reenacted and amended to read 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 (f) The premises of a library established or maintained pursuant
7 to the authority of chapter 27.12 RCW;

8 (g) The premises of a zoo or aquarium accredited or certified by
9 the association of zoos and aquariums or the zoological association
10 of America or a facility with a current signed memorandum of
11 participation with an association of zoos and aquariums species
12 survival plan; or

13 (h) The premises of a transit station or transit facility. For
14 purposes of this subsection, "transit station" and "transit facility"
15 have the same meaning as defined in RCW 9.91.025. "Transit station"
16 and "transit facility" do not include any "transit vehicle" as that
17 term is defined in RCW 9.91.025.

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

23 (b) It is unlawful for any person to knowingly open carry a
24 firearm or other weapon while knowingly within 250 feet of the
25 perimeter of a permitted demonstration after a duly authorized state
26 or local law enforcement officer advises the person of the permitted
27 demonstration and directs the person to leave until he or she no
28 longer possesses or controls the firearm or other weapon. This
29 subsection (2) (b) does not apply to any person possessing or
30 controlling any firearm or other weapon on private property owned or
31 leased by that person.

32 (c) Duly authorized federal, state, and local law enforcement
33 officers and personnel are exempt from the provisions of this
34 subsection (2) when carrying a firearm or other weapon in conformance
35 with their employing agency's policy. Members of the armed forces of
36 the United States or the state of Washington are exempt from the
37 provisions of this subsection (2) when carrying a firearm or other
38 weapon in the discharge of official duty or traveling to or from
39 official duty.

1 (d) For purposes of this subsection, the following definitions
2 apply:

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

11 (ii) "Public place" means any site accessible to the general
12 public for business, entertainment, or another lawful purpose. A
13 "public place" includes, but is not limited to, the front, immediate
14 area, or parking lot of any store, shop, restaurant, tavern, shopping
15 center, or other place of business; any public building, its grounds,
16 or surrounding area; or any public parking lot, street, right-of-way,
17 sidewalk, public park, or other public grounds.

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

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

23 (3) Cities, towns, counties, and other municipalities may enact
24 laws and ordinances:

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

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

34 (i) Any pistol in the possession of a person licensed under RCW
35 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

36 (ii) Any showing, demonstration, or lecture involving the
37 exhibition of firearms.

38 (4)(a) Cities, towns, and counties may enact ordinances
39 restricting the areas in their respective jurisdictions in which
40 firearms may be sold, but, except as provided in (b) of this

1 subsection, a business selling firearms may not be treated more
2 restrictively than other businesses located within the same zone. An
3 ordinance requiring the cessation of business within a zone shall not
4 have a shorter grandfather period for businesses selling firearms
5 than for any other businesses within the zone.

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

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

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

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

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

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

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

32 (8) Subsection (1)(a), (b), (c), ~~((and))~~ (e), (f), (g), and (h)
33 of this section does not apply to correctional personnel or community
34 corrections officers, as long as they are employed as such, who have
35 completed government-sponsored law enforcement firearms training,
36 except that subsection (1)(b) of this section does apply to a
37 correctional employee or community corrections officer who is present
38 at a courthouse building as a party to an antiharassment protection
39 order action or a domestic violence protection order action under
40 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any

1 party has alleged the existence of domestic violence as defined in
2 RCW 7.105.010.

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

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

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

19 (12) Subsection (1)(g) of this section does not apply to
20 employees of a zoo, aquarium, or animal sanctuary, while engaged in
21 their employment if the weapon is owned by the zoo, aquarium, or
22 animal sanctuary and maintained for the purpose of protecting its
23 employees, animals, or the visiting public.

24 (13) Subsection (1)(f), (g), and (h) of this section does not
25 apply to the activities of color guards and honor guards affiliated
26 with the United States military, Washington state national guard, or
27 Washington department of veterans' affairs related to burial or
28 interment ceremonies including, but not limited to, any staging and
29 logistical requirements of the color guard or honor guard.

30 (14) Subsection (1)(f), (g), and (h) of this section does not
31 apply to a person licensed to carry a concealed firearm pursuant to
32 RCW 9.41.070.

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

38 ~~((13))~~ (16) Any person violating subsection (1) or (2) of this
39 section is guilty of a gross misdemeanor.

1 (~~(14)~~) (17) "Weapon" as used in this section means any firearm,
2 explosive as defined in RCW 70.74.010, or instrument or weapon listed
3 in RCW 9.41.250.

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