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**SUBSTITUTE SENATE BILL 5444**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Valdez, Hunt, Kuderer, Nguyen, Pedersen, and Saldaña)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to firearm sensitive places; and reenacting and  
2 amending RCW 9.41.300.

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

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

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

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

16 (b) Those areas in any building which are used in connection with  
17 court proceedings, including courtrooms, jury rooms, judge's  
18 chambers, offices and areas used to conduct court business, waiting  
19 areas, and corridors adjacent to areas used in connection with court  
20 proceedings. The restricted areas do not include common areas of  
21 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 (f) The premises of a library established or maintained pursuant  
5 to the authority of chapter 27.12 RCW;

6 (g) The premises of a zoo or aquarium accredited or certified by  
7 the American zoo and aquarium association or a facility with a  
8 current signed memorandum of participation with an association of  
9 zoos and aquariums species survival plan;

10 (h) The premises of a city's, town's, county's, or other  
11 municipality's neighborhood, community, or regional park facilities  
12 at which children and youth are likely to be present and at which  
13 appropriate signage has been posted notifying the public that weapons  
14 are not permitted on the park facility's premises. A city, town,  
15 county, or other municipality shall designate the park facilities  
16 within its boundaries where children are likely to be present and  
17 post appropriate signage at reasonable intervals on the perimeter of  
18 the park facility's premises to notify the public that weapons are  
19 prohibited within the park facility. Park facilities where children  
20 and youth are likely to be present include, but are not limited to,  
21 park facilities that have: Playgrounds or children play areas; sports  
22 fields, sports courts, or sports facilities; swimming or wading  
23 pools; swim beaches or water play areas; teen centers, community  
24 centers, or performing arts centers; skateboard parks; or other  
25 recreational facilities likely to be used by children or youth;

26 (i) The premises of a transit station or transit facility  
27 including all passenger facilities, structures, stops, shelters, bus  
28 zones, and other properties that are owned, leased, held, or used by  
29 a transit authority for the purpose of providing public  
30 transportation services. "Transit authority" means a city transit  
31 system under RCW 35.58.2721 or chapter 35.95A RCW, a county public  
32 transportation authority under chapter 36.57 RCW, a metropolitan  
33 municipal corporation transit system under chapter 36.56 RCW, a  
34 public transportation benefit area under chapter 36.57A RCW, an  
35 unincorporated transportation benefit area under RCW 36.57.100, a  
36 regional transit authority under chapter 81.112 RCW, or any special  
37 purpose district formed to operate a public transportation system; or

38 (j) The premises of a state or local public building. A "state or  
39 public building" means a building or part of a building owned,  
40 leased, held, or used by the governmental entity of a city, town,

1 county, or other municipality or by the state of Washington, if state  
2 or local public employees are regularly present for the purposes of  
3 performing their official duties and that is not regularly used, and  
4 not intended to be used, by state or local employees as a place of  
5 residence. A public building does not include Washington state  
6 department of transportation properties and facilities such as ferry  
7 terminals, ferry holding lanes, safety rest areas, and train depots  
8 which are used primarily by the general traveling public; in such  
9 cases weapons transported in vehicles must remain in locked cases and  
10 or remain in a locked portion of a vehicle.

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

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

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

33 (d) For purposes of this subsection, the following definitions  
34 apply:

35 (i) "Permitted demonstration" means either: (A) A gathering for  
36 which a permit has been issued by a federal agency, state agency, or  
37 local government; or (B) a gathering of 15 or more people who are  
38 assembled for a single event at a public place that has been declared  
39 as permitted by the chief executive, sheriff, or chief of police of a  
40 local government in which the gathering occurs. A "gathering" means a

1 demonstration, march, rally, vigil, sit-in, protest, picketing, or  
2 similar public assembly.

3 (ii) "Public place" means any site accessible to the general  
4 public for business, entertainment, or another lawful purpose. A  
5 "public place" includes, but is not limited to, the front, immediate  
6 area, or parking lot of any store, shop, restaurant, tavern, shopping  
7 center, or other place of business; any public building, its grounds,  
8 or surrounding area; or any public parking lot, street, right-of-way,  
9 sidewalk, public park, or other public grounds.

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

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

15 (3) Cities, towns, counties, and other municipalities may enact  
16 laws and ordinances:

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

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

26 (i) Any pistol in the possession of a person licensed under RCW  
27 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

28 (ii) Any showing, demonstration, or lecture involving the  
29 exhibition of firearms.

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

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

17 (13) Subsection (1)(f), (g), (h), (i), and (j) of this section  
18 does not apply to a person licensed to carry a concealed firearm  
19 pursuant to RCW 9.41.070.

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

25 ~~((13))~~ (15) Any person violating subsection (1) or (2) of this  
26 section is guilty of a gross misdemeanor.

27 ~~((14))~~ (16) "Weapon" as used in this section means any firearm,  
28 explosive as defined in RCW 70.74.010, or instrument or weapon listed  
29 in RCW 9.41.250.

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