SENATE BILL REPORT
E2SSB 5098

As of Third Reading

Title: An act relating to restricting the possession of weapons on the premises of state or local public buildings, parks or playground facilities where children are likely to be present, and county fairs and county fair facilities.

Brief Description: Restricting the possession of weapons on the premises of state or local public buildings, parks or playground facilities where children are likely to be present, and county fairs and county fair facilities.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Valdez, Saldaña, Dhingra, Frame, Nobles, Orwall, Pedersen, Salomon, Stanford, Wellman and Wilson, C.).

Brief History:
Committee Activity: Law & Justice: 1/14/25, 1/16/25 [DPS, DNP].
Ways & Means: 2/06/25 [w/oRec-TRAN, DNP].
Transportation: 2/24/25, 2/27/25 [DP2S, DNP, w/oRec].

Brief Summary of Second Substitute Bill

- Prohibits weapons at certain park facilities where children are likely to be present, certain state or local public buildings, and county fairs when the fair is open to the public.
- Requires facilities where weapons are prohibited to, as soon as practicable, post signage at common public access points alerting the public to the prohibitions.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass.

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.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Lovick, Salomon and Valdez.

Minority Report: Do not pass.
Signed by Senators Fortunato, Torres and Wagoner.

Staff: Maya Itah (786-7087)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Second Substitute Senate Bill No. 5098 be substituted therefor, and the second substitute bill do pass.
Signed by Senators Liias, Chair; Lovick, Vice Chair; Ramos, Vice Chair; Alvarado, Chapman, Krishnadasan, Lovelett, Nobles, Shewmake and Valdez.

Minority Report: Do not pass.
Signed by Senators King, Ranking Member; Goehner, Assistant Ranking Member; Christian, Cortes, Fortunato, MacEwen and Wilson, J..

Minority Report: That it be referred without recommendation.
Signed by Senator Harris.

Staff: Daniel Masterson (786-7454)

Background: Weapons Prohibited in Designated Places. It is a gross misdemeanor offense for any person to enter the following places while knowingly possessing a weapon:

- the restricted access areas of jails and law enforcement facilities;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access area of certain public health facilities;
- taverns and other places designated off-limits to persons under age 21 by Liquor and Cannabis Board rules;
- the restricted access areas of commercial service airports;
- public libraries;
- certain zoos and aquariums; and
- transit stations and transit facilities.

Signage must be posted at reasonable intervals along the perimeter of the above locations alerting the public of any law restricting the possession of firearms on the premises.

These restrictions do not apply to:

- persons engaged in military activities sponsored by the federal or state governments, while engaged in official duties;
- security personnel while engaged in official duties;
- certain correctional personnel or community corrections officers except while in a

courthouse as a party to certain court proceedings; or
- law enforcement personnel while in a courthouse as a party to certain court proceedings.

The prohibition against carrying weapons in the restricted access areas of jails and law enforcement facilities does not apply to persons who maintain a valid concealed pistol license so long as the person, upon entering the facility, promptly receives written permission to possess the firearm or checks the firearm in with the facility.

The prohibition against carrying weapons in the restricted access areas of certain public health facilities does not apply to the facility employees or any person who, upon entering, promptly obtains written permission to possess the firearm.

The prohibition against carrying weapons at taverns and other places designated off-limits to persons under age 21 does not apply to the proprietor or employees of the business while engaged in their employment.

The prohibition against carrying weapons at certain zoos and aquariums does not apply to employees of the facilities while engaged in their employment so long as the weapon is owned by the facility and maintained for the purpose of protecting its employees, animals, or the visiting public.

The prohibition against carrying weapons at libraries, certain zoos and aquariums, and transit stations and facilities do not apply to persons who maintain a valid concealed pistol license, or the activities of color guards and honor guards related to burial or interment ceremonies.

Summary of Engrossed Second Substitute Bill: Weapons Prohibitions. New locations are added to the list of locations where it is a gross misdemeanor to enter while knowingly possessing a weapon.

Weapons are prohibited on the premises of a city's, town's, county's or other municipality's neighborhood, community, or regional park facilities at which children are likely to be present. Local authorities must designate the park facilities within its boundaries where children are likely to be present. Such facilities include, but are not limited to, playgrounds or children's play areas, sports fields, swim beaches or water play areas, teen centers, community centers or performing arts centers, skate parks, and other recreational facilities likely to be used by children or youth.

Weapons are prohibited on the premises of state or local public buildings where "state or local public building" means a building or part of a building owned, leased, held or used by the governmental entity if public employees are regularly present for the purposes of performing their official duties and is not regularly used, and not intended to be used, as a place of residence. State and local public buildings do not include Washington State

Department of Transportation properties and facilities such as:

- ferry terminals;
- ferry holding lanes;
- safety rest areas; and
- train depots used primarily by the general traveling public.

In such areas weapons must remain in locked cases or remain in a locked portion of a vehicle.

Weapons are prohibited on the premises of county fairs and county fair facilities during the hours of operation in which the fair is open to the public. "County fair" means fairs organized to serve the interests of single counties and are under county commissioner jurisdiction. This prohibition does not apply to gun shows operating on county fairgrounds.

Signage. The requirement to post signage is amended to require all locations where weapons are prohibited to, as soon as practicable, post signs at common public access points rather than at reasonable intervals alerting the public to the prohibition against carrying weapons.

Exemptions. The newly added weapons prohibitions at park facilities where children are likely to be present, state or local public buildings, and county fairs do not apply to the activities of color guards and honor guards related to burial or interment ceremonies and permitted events where military rifle honors are customarily conducted or individuals who maintain a valid concealed pistol license.

Firearms that are part of a museum collection are exempted from the bill's prohibitions when in the possession of museum staff, volunteers, or contractors when they are on premises of locations where weapons are prohibited and while engaged in activities directly related to their official museum duties.

Definition. The definition of weapon is amended to mean any firearm, explosive as defined in statute, or any instrument of the kind usually known as slungshot, sand club, metal knuckles, or any knife, dagger, dirk, or other similar instrument that is capable of causing death or bodily injury, and is commonly used with the intent to cause death or bodily injury.

Appropriation: None.

Fiscal Note: Available.

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 (Law & Justice): *The committee*

recommended a different version of the bill than what was heard. PRO: This is a necessary step to enhance public safety in Washington. These locations are often bustling with people which makes the dangers of firearms particularly acute. Prohibiting firearms at these locations will stop preventable tragedies. This is about protecting lives. Access to firearms increases the likelihood an argument turns deadly. This will create public spaces where family can gather free from the threat of gun violence. This closes a gap in current law. Young people are avoiding parks because of the fear of gun violence. Washington youth deserve the opportunity to enjoy public spaces without the fear of gun violence. Firearms have no place in these public places and only increases the risk of violence, intimidation, and trauma. We all deserve to live in a world free from gun violence. Gun violence is devastating and often leads to irreparable harms. Studies show, restricting weapons in public places leads to a reduction in gun violence. This is a meaningful step ensuring these locations are as safe as possible for kids and families. No one should have to worry that a minor altercation will become deadly just because someone is armed.

CON: The open carry of firearms at these locations poses no actual criminal threat, and concealed pistol license holders rarely commit crimes. The public will not know which buildings are owned or leased by the government and may violate this law by simply going into the wrong building. Survivors of crimes just want to live normal lives and this includes the right to protect themselves. Firearms level the fight between women and their attackers. This bill will allow local governments to create a nearly limitless number of gun free zones with little or no oversight. This guarantees people will leave more guns in their cars which will lead to more stolen guns and more gun crimes. Lawful gun owners are not the problem. While this is well intentioned, such a blanket ban on weapons will infringe on the rights of law-abiding citizens. Disarming citizens does not enhance safety, and those who will use a gun against the law will not comply with these prohibitions. This will prevent domestic violence survivors from protecting their families. Law-abiding citizens should be allowed to carry firearms to protect themselves and families.

OTHER: While it is important to keep Washingtonians safe, rather than mandate additional statewide restrictions, these decisions should be made at the local community level. These restrictions may make sense in urban areas, most of Washington is not urban. This will also create a large cost for local governments.

Persons Testifying (Law & Justice): PRO: Senator Javier Valdez, Prime Sponsor; Liz Hjelmesth; Saeran Dewar; Karyn Brownson, Seattle & King County Public Health; Jane Weiss; Paul Dillon, Spokane City Council Member; Mike Van Dyke, WA Chapter of the America Academy of Pediatrics (WACAAP); Jan Weisel, Moms Demand Action.

CON: Christa (Teagan) Levine; Aoibheann Cline, NRA; Brian Keelean, WA State Rifle & Pistol Association; Jane Milhans; Teo Morca; Christa (Teagan) Levine; Hiedi Lee; Linda Wojciechowski.

OTHER: Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying (Law & Justice): PRO: Amy Bailey; Sarah Rumbaugh, Council Member, City of Tacoma; Margaret Heldring, Grandmothers Against Gun Violence; Halle Norenberg, Students Demand Action; Gwen Loosmore, WA PTA; Mahiki Malldi; Robert Schentrup, Brady; Neal Black, Kirkland City Council Member; Ann Madsen, Moms Demand Action; Paula Barnes; AP Diaz, City of Seattle; Michael Noack.

CON: Jeff Pack, Me; Jane Milhans; Michael Strauss; Phil Tamburlin; Jerry Koch, 110 Cottage Lane; Amanda McKinney, Yakima County; Nathaniel Port; Cory Barnes; Jacob Lynde; Barbara Gulley; Jo Bogner; Rebecca Faust, N/A; Mark Pink; Michael McKinley; Lennard Nes Alcid, Young Gun Owners of Washington; Micheal Picon II; Paul Sass, Tacoma Rifle and Revolver Club; Lynsie Holt; Bea Christophersen; Bea Christophersen; Matthew Sullivan; Anderson Kim; ERIK NELSON; Kyle McMahon; Dennis N Simmelink, USofA Constitution 2nd Amendment; Paul Sass; Amparo Lopez.

Staff Summary of Public Testimony on First Substitute (Transportation): *The committee recommended a different version of the bill than what was heard.* PRO: This bill extends protections to places where harm from firearms is particularly severe. I believe this bill is a necessary step to enhance public safety in the areas where firearms pose heightened threats. This bill builds on successful legislative efforts in recent years. This bill would help keep our communities safe by creating risk-based restrictions on firearms in sensitive places.

As an elementary principal and teacher, I have seen first-hand how important it is to ensure that children can play, learn and grow in environments free from the risks associated with firearms. Please show your support for community safety by supporting this bill. The laws on open carry vary greatly from state to state—our focus is on Washington State only. We live here because of the state's natural environment and beauty so readily accessible at our parks. Feeling safe in our natural environment is essential to make our children, families, babysitters, and others feel free from concern about encountering a potentially deadly weapon in these spaces. Signage is important to ensure enforcement of this bill should it be passed. The presence of firearms in community spaces increases the risk of accidents, escalation and violence. We know that restricting firearms in sensitive spaces works. These spaces are essential parts of our community and should be free from the threat of gun violence.

As a student who is actively suffering from PTSD because of gun violence that occurred ten feet away from me at school, a place where students deserve to feel safe and protected. This bill represents a vital step toward enhancing the safety and security of our communities. By prohibiting firearms in parks and public buildings we create a safe space for families, children and the dedicated public servants who work tirelessly to serve our communities. The threat of gun violence in workplaces is a serious concern and this legislation will help to mitigate the risk.

On May 23rd, 2014, my 19-year-old niece, a college freshman, Veronica Weiss, was brutally murdered in a violent mass shooting in Isla Vista, CA. In her honor I promised I would do everything I could to help our communities be safer from gun violence. The mere presence of a firearm increases the likelihood of intimidation and trauma and tragedy. This will help protect the people of WA, especially young people like me who are uniquely vulnerable. Gun violence is now the leading cause of death for young people in the United States. There are important updates in this bill that need to be put in place to continue keeping Washingtonians safe. The discharge of a gun can shatter a happy childhood moment in an instant.

CON: Our membership of close to 5000 members urge you to vote against this bill. The overbroad language is indicative of a disdain anti-gun Legislatures have for law-abiding citizens and their desire to turn the entire state of WA into a gun free zone. No data has been provided to support that this bill will improve public safety. This state has plenty of firearms laws, drug laws, and driving laws what we need is enforcement of current laws. Our members ask you to just enforce current law as it is.

What you will see here is an influx of massive amounts of lawsuits and settlements. Every time the Legislature expands the government's ability to regulate and then does it poorly, we end up in court. There are $2.5 million in lawsuits right now in the state of Washington, most of that in the Child Welfare Program. We are currently in an $80 million lawsuit in Yakima County right now because of a question on signage. With your overly subjective and vague language here, we're going to have a place where a child may gather, and we didn't put a sign there, and a municipality is going to be sued and be embroiled in a lawsuit. This will only cost taxpayers more money and not solve the problem.

The Supreme Court standard for the constitutionality for firearms regulation under Bruin is whether a regulation is consistent with the tradition of firearms regulations at the founding of our country. Our founding fathers certainly weren't concealed carrying their rifles. No amount of signs will deter criminals, these signs are magnets for attacks. I'm a survivor of a home invasion by two men. I can tell you that women are terrified to be out in public and not be able to protect themselves. Women have a right to protect themselves. A no gun zone makes them an instant target that would be defenseless and unprotected. A woman was raped in Point Defiance Park, no guns. We're asking you to please target the criminals. Look at the costs of this. There will be additional costs and lawsuits. But will there be security? Who's going to protect us women when we are on government property? I think what needs to happen is to adjust it to allow individuals to open carry in transit stations and park facilities. Individuals with a concealed pistol license are well trained in the use of firearms, have passed a background check, and are safety conscious. Members in gun clubs haven't been included in these bills and I believe that they should be.

Persons Testifying (Transportation): PRO: Senator Javier Valdez, Prime Sponsor; Sarah Rumbaugh, Council Member, City of Tacoma; Jason Magdalena, WA Youth Alliance; Ann Madsen, Moms Demand Action; Jennifer Dolan-Waldman, Grandmothers Against Gun

Violence; Robert Schentrup, Brady United; Jane Weiss.

CON: Amanda McKinney, Yakima County Commissioner; Jane Milhans; Michael McKinley; Aoibheann Cline, NRA; brian keelean, Washington State Rifle and Pistol Association.

Persons Signed In To Testify But Not Testifying (Transportation): PRO: Hannah Fortman; Lachlan Bowers; Nermin Galesic; Neal Black, City of Kirkland; Cora Breuner, WACAAP; Gwen Loosmore, WA PTA; Julia Berus, WA Youth Alliance; Paula Barnes; Enzo Mensah, Lake Washington High School.

CON: Teagan Levine; christopher young; Charles Heinlen; Michael Cantrell; Tasi Fepuleai; Terry Witchey; Josie Johnston; Eric Hulten; Allen Ernst; Julia Mirate; Russell Franklin ; Daniel Donley, Donley; Shelby Hyde; TAMMY Rose Berry; Mildred Pierce; Michael Smith, Smith Castle Properties LLC; Nathan Fryer; Brandie Bills; Noelle Christ; RHONDA JABUSCH; TaraLyn Fray; Sandra Mochizuki; Melinda Kopa; Anthony Holan.