

SENATE BILL 5123

State of Washington

52nd Legislature

1991 Regular Session

By Senators Newhouse, Rasmussen, A. Smith, Niemi, Wojahn, Talmadge, Gaspard and Erwin.

Read first time January 21, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting firearms near judicial proceedings;
2 and 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 1985 c 428 s 2 are each amended to read
5 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 firearm:

9 (a) The restricted access areas of a jail, or of a law enforcement
10 facility, or any place used for the confinement of a person (i)
11 arrested for, charged with, or convicted of an offense, (ii) charged
12 with being or adjudicated to be a juvenile offender as defined in RCW
13 13.40.020, (iii) held for extradition or as a material witness, or (iv)
14 otherwise confined pursuant to an order of a court, except an order

1 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
2 include common areas of egress or ingress open to the general public;

3 (b) A ~~((courtroom or judge's chamber, while either is being used~~
4 ~~for any judicial proceeding. This does not include common areas of~~
5 ~~egress and ingress of the courthouse))~~ building used regularly for the
6 conduct of judicial proceedings, or, in other buildings, a room while
7 being used for the conduct of judicial proceedings;

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

14 (d) That portion of an establishment classified by the state liquor
15 control board as off-limits to persons under twenty-one years of age.

16 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and
17 other municipalities may enact laws and ordinances:

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

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

27 (i) Any firearm in the possession of a person licensed under RCW
28 9.41.070; or

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

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

5 (4) Subsection (1) of this section does not apply to:

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

8 (b) Law enforcement personnel; or

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

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

17 (6) Subsection (1)(b) of this section does not apply to a judge or
18 court employee or to any person licensed under RCW 9.41.070 who(~~(7)~~
19 ~~before entering the restricted area, directly and promptly proceeds to~~
20 ~~the court administrator or the administrator's designee and obtains))~~
21 has obtained written permission to possess the firearm, in a building
22 designated in subsection (1)(b) of this section, from the court
23 administrator or the administrator's designee.

24 (7) Subsection (1)(c) of this section does not apply to any
25 administrator or employee of the facility or to any person who, upon
26 entering the place or facility, directly and promptly proceeds to the
27 administrator of the facility or the administrator's designee and
28 obtains written permission to possess the firearm while on the
29 premises.

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

4 (9) Any person violating subsection (1) of this section is guilty
5 of a misdemeanor.