

HOUSE BILL REPORT

HB 1059

As Reported By House Committee On:
Judiciary

Title: An act relating to the possession of weapons in court facilities.

Brief Description: Regulating possession of weapons in court facilities.

Sponsors: Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang.

Brief History:

Reported by House Committee on:
Judiciary, February 24, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Margaret Allen (786-7191).

Background: It is a misdemeanor to knowingly possess or control a firearm in a courtroom or judge's chamber, while either place is being used for a judicial proceeding. Similarly, it also is a misdemeanor to knowingly possess or control a firearm in restricted areas of jails, restricted areas of public mental health facilities, and in places classified as off-limits to persons under 21 years of age by the state Liquor Control Board.

The prohibition does not apply to: (1) a person engaged in official military duties; (2) law enforcement personnel; or (3) security personnel while engaged in official duties. In the case of courtrooms or judge's chambers, it also does not apply to a judge or court employee, or any person with a concealed pistol license who, before entering the restricted

area, obtains written permission from the court administrator.

It is not illegal to possess other dangerous weapons in the enumerated places. Neither is it illegal to possess firearms or other dangerous weapons in other parts of a court facility, nor in a courtroom or judge's chamber when not being used for a judicial proceeding.

Summary of Substitute Bill: Weapons are prohibited in restricted areas of court facilities, jails, public mental health facilities, and in places classified as off-limits to persons under 21 years of age by the state Liquor Control Board. A weapon is defined as any firearm, explosive, instrument, or weapon listed in another statute, e.g., slung shot, sand club, metal knuckles, and various types of knives.

Regarding court facilities, restricted areas include areas used in connection with court proceedings. Those areas include courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas must be the minimum necessary to fulfill the objective of the act, and may not include common areas of ingress and egress when it is possible to protect court areas without restricting ingress and egress to the court facility.

The local court must designate and clearly mark areas in court facilities where weapons are prohibited, and must post notices at each entrance to the building that weapons are prohibited in the restricted areas.

The exception for a judge, court employee, or person with a concealed pistol license is removed.

The local court must provide either a locked box and key within the building, or must designate a court official within the court facility to receive weapons for safekeeping, during the owner's visit to restricted areas of the court facility. The court is liable for the loss of or damage to a weapon stored in a locked box or left with a court official.

Substitute Bill Compared to Original Bill: The list of restricted areas is expanded from courtrooms and judge's chambers to areas used in connection with court proceedings. Those areas include courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings.

Restricted areas of court facilities must be the minimum necessary to fulfill the objective of the act, and may not include common areas of ingress and egress when it is possible to protect court areas without restricting ingress and egress to the building. Local jurisdictions are given no additional authority to restrict areas not listed in the act.

The local court must provide either a locked box and key within the building, or must designate a court official within the court facility to receive weapons for safekeeping, during the owner's visit to restricted areas of the court facility. The court is liable for the loss of or damage to a weapon stored in a locked box or left with a court official.

Law enforcement officers need not to be engaged in official duties for the exemption to apply.

There is no provision for confiscation and forfeiture of a weapon.

The substitute adds new provisions to an existing statute rather than creating a new statute.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: A similar prohibition against all weapons, not just firearms, should be extended throughout a court facility. Courts deal with people who are emotionally charged. Currently courts have no control over the possession of weapons in waiting areas. This is an issue of security, not gun control.

Testimony Against: There are many reasons to be in a building containing a court facility unrelated to court proceedings, such as renewing a concealed pistol license or vehicle license. Crime control is more effective than gun control. It would be more effective to enhance the penalties for crimes committed while armed than to restrict the rights of law-abiding citizens.

Witnesses: Judge Charles Johnson, King County Superior Court (for); Wally Hume, King County Security (for); Judge Kelley Arnold, Pierce County Superior Court (for); Judge Robert McBeth, Washington State Municipal and District Court Judges Association (for); Karen Forner (for); Evelyn Benson, Washington Citizens for Rational Handgun Control (for); John Lenzi, National Rifle Association (against); James Fotis,

Law Enforcement Alliance of America (against); George Aiton, Washington Arms Collectors (against); Al Woodbridge, Washington State Rifle and Pistol Association (against); Linda Everett (against); William Henry (against); David Wilson (against); Dan Frank (against); and Herman L. Dinken (against).