

# FINAL BILL REPORT

## ESHB 1059

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Synopsis as Enacted

C 396 L 93

**Brief Description:** Regulating possession of weapons in court facilities.

By House Committee on Judiciary (originally sponsored by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang).

House Committee on Judiciary  
Senate Committee on Law & Justice

**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.

In response to increasingly frequent reports of violent incidents in court facilities, it has been suggested that all dangerous weapons should be banned from all areas used in connection with court proceedings.

**Summary:** 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 other referenced weapon, e.g., slungshot, sand club, metal knuckles, and various types of knives.

In court facilities, restricted areas are those used in connection with court proceedings. The 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 to and egress from the building.

The local judicial authority must designate and clearly mark areas in court facilities where weapons are prohibited, and must post notices at each entrance to the court facility 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 legislative authority must provide either a stationary locked box (sufficient in size for short firearms) and key within the building, or must designate an official within the building to receive weapons for safekeeping, during the owner's visit to restricted areas of the court facility. The local legislative authority is liable for any negligence causing the loss of or damage to a weapon placed in a locked box or left with a designated official.

**Votes on Final Passage:**

House	96	0	
Senate	40	2	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993