

SENATE BILL REPORT

ESHB 1059

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 30, 1993

Brief Description: Revising provisions relating to areas where weapons are restricted.

SPONSORS: 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

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, and Spanel.

Staff: Jon Carlson (786-7459)

Hearing Dates: March 30, 1993

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:

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.

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 and egress to the building.

The local legislative 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 locked box (sufficient in size for short firearms) and key within the building, or must designate an official within the court facility to receive weapons for safekeeping, during the owner's visit to restricted areas of the court facility. The local legislative authority is liable for the loss of or damage to a weapon stored in a locked box or left with a designated official.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The locked box provided by the local legislative authority must be stationary.

The local legislative authority is liable for any negligence causing damage to or loss of a weapon placed in a locked box or left with a designated official.

The judicial authority is required to designate and mark the restricted areas of the building.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

An increasing number of security incidents in courthouses has necessitated stricter regulation of firearms and other weapons.

TESTIMONY AGAINST:

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.

TESTIFIED: Senator Franklin, prime sponsor; Al Woodbridge, Washington State Rifle and Pistol Association; Colonel Mel Pjankucho (con); Merton Cooper (con); Judge Kelley Arnold, Pierce County (con); Kurt Sharar, Washington State Association of Counties (pro); J. K. Johnson, Washington State Muzzleloaders Association (con); Chuck Foster, Office of the Administrator for the Courts (pro); Dick Dorsett, Pierce County (pro)