
HOUSE BILL 2576

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Appelwick, Patterson and Wolfe

Read first time 01/19/94. Referred to Committee on Judiciary.

1 AN ACT Relating to the regulation of the sale of firearms by local
2 governmental entities; amending RCW 9.41.290 and 9.41.300; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.41.290 and 1985 c 428 s 1 are each amended to read
6 as follows:

7 The state of Washington hereby fully occupies and preempts the
8 entire field of firearms regulation within the boundaries of the state,
9 including the registration, licensing, possession, purchase, sale,
10 acquisition, transfer, discharge, and transportation of firearms, or
11 any other element relating to firearms or parts thereof, including
12 ammunition and reloader components. Cities, towns, and counties or
13 other municipalities may enact only those laws and ordinances relating
14 to firearms that are specifically authorized by state law, as in RCW
15 9.41.300, and are consistent with this chapter. Such local ordinances
16 shall have the same ((or lesser)) penalty as provided for by state law.
17 Local laws and ordinances that are inconsistent with, more restrictive
18 than, or exceed the requirements of state law shall not be enacted and
19 are preempted and repealed, regardless of the nature of the code,

1 charter, or home rule status of such city, town, county, or
2 municipality.

3 **Sec. 2.** RCW 9.41.300 and 1993 c 396 s 1 are each amended to read
4 as follows:

5 (1) It is unlawful for any person to enter the following places
6 when he or she knowingly possesses or knowingly has under his or her
7 control a weapon:

8 (a) The restricted access areas of a jail, or of a law enforcement
9 facility, or any place used for the confinement of a person (i)
10 arrested for, charged with, or convicted of an offense, (ii) charged
11 with being or adjudicated to be a juvenile offender as defined in RCW
12 13.40.020, (iii) held for extradition or as a material witness, or (iv)
13 otherwise confined pursuant to an order of a court, except an order
14 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
15 include common areas of egress or ingress open to the general public;

16 (b) Those areas in any building which are used in connection with
17 court proceedings, including courtrooms, jury rooms, judge's chambers,
18 offices and areas used to conduct court business, waiting areas, and
19 corridors adjacent to areas used in connection with court proceedings.
20 The restricted areas do not include common areas of ingress and egress
21 to the building that is used in connection with court proceedings, when
22 it is possible to protect court areas without restricting ingress and
23 egress to the building. The restricted areas shall be the minimum
24 necessary to fulfill the objective of this subsection (1)(b).

25 In addition, the local legislative authority shall provide either
26 a stationary locked box sufficient in size for short firearms and key
27 to a weapon owner for weapon storage, or shall designate an official to
28 receive weapons for safekeeping, during the owner's visit to restricted
29 areas of the building. The locked box or designated official shall be
30 located within the same building used in connection with court
31 proceedings. The local legislative authority shall be liable for any
32 negligence causing damage to or loss of a weapon either placed in a
33 locked box or left with an official during the owner's visit to
34 restricted areas of the building.

35 The local judicial authority shall designate and clearly mark those
36 areas where weapons are prohibited, and shall post notices at each
37 entrance to the building of the prohibition against weapons in the
38 restricted areas;

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

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

9 (2) (~~Notwithstanding RCW 9.41.290,~~) Cities, towns, counties, and
10 other municipalities may enact laws and ordinances:

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

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

20 (i) Any firearm in the possession of a person licensed under RCW
21 9.41.070; or

22 (ii) Any showing, demonstration, or lecture involving the
23 exhibition of firearms.

24 (3) Cities, towns, and counties may enact ordinances restricting
25 the areas in their respective jurisdictions in which firearms may be
26 sold.

27 (4) Violations of local ordinances adopted under subsection (2) or
28 (3) of this section must have the same penalty as provided for by state
29 law.

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

34 (~~(4)~~) (6) Subsection (1) of this section does not apply to:

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

37 (b) Law enforcement personnel; or

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

1 (~~(5)~~) (7) Subsection (1)(a) of this section does not apply to a
2 person licensed pursuant to RCW 9.41.070 who, upon entering the place
3 or facility, directly and promptly proceeds to the administrator of the
4 facility or the administrator's designee and obtains written permission
5 to possess the firearm while on the premises or checks his or her
6 firearm. The person may reclaim the firearms upon leaving but must
7 immediately and directly depart from the place or facility.

8 (~~(6)~~) (8) Subsection (1)(c) of this section does not apply to any
9 administrator or employee of the facility or to any person who, upon
10 entering the place or facility, directly and promptly proceeds to the
11 administrator of the facility or the administrator's designee and
12 obtains written permission to possess the firearm while on the
13 premises.

14 (~~(7)~~) (9) Subsection (1)(d) of this section does not apply to the
15 proprietor of the premises or his or her employees while engaged in
16 their employment.

17 (~~(8)~~) (10) Any person violating subsection (1) of this section is
18 guilty of a misdemeanor.

19 (~~(9)~~) (11) "Weapon" as used in this section means any firearm,
20 explosive as defined in RCW 70.74.010, or instrument or weapon listed
21 in RCW 9.41.250.

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