

1 **HB 1104 - H AMD 127 WITHDRAWN 3/9/95**

2 By Representative Appelwick

3 On page 2, after line 37, add the following:

4 "Sec. 2. RCW 9.41.300 and 1994 1st sp.s. c 7 ú 429 are each  
5 amended to read as follows:

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

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

17 (b) Those areas in any building which are used in connection  
18 with court proceedings, including courtrooms, jury rooms, judge's  
19 chambers, offices and areas used to conduct court business,  
20 waiting areas, and corridors adjacent to areas used in connection  
21 with court proceedings. Except as may otherwise be provided for  
22 by a local law or ordinance adopted pursuant to subsection 2(a)  
23 of this section, the restricted areas do not include common areas  
24 of ingress and egress to the building that is used in connection  
25 with court proceedings, when it is possible to protect court  
26 areas without restricting ingress and egress to the building.  
27 The restricted areas shall be the minimum necessary to fulfill  
28 the objective of this subsection (1)(b).

29 (i) In addition, the local legislative authority shall  
30 provide either a stationary locked box sufficient in size for  
31 pistols and key to a weapon owner for weapon storage, or shall

1 designate an official to receive weapons for safekeeping, during  
2 the owner's visit to restricted areas of the building. The  
3 locked box or designated official shall be located within the  
4 same building used in connection with court proceedings. The  
5 local legislative authority shall be liable for any negligence  
6 causing damage to or loss of a weapon either placed in a locked  
7 box or left with an official during the owner's visit to  
8 restricted areas of the building.

9 (ii) The local judicial authority shall designate and  
10 clearly mark those areas where weapons are prohibited, and shall  
11 post notices at each entrance to the building of the prohibition  
12 against weapons in the restricted areas;

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

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

23 (2) Cities, towns, counties, and other municipalities may  
24 enact laws and ordinances:

25 (a) Restricting or banning the carrying of weapons in any  
26 building which is used in connection with court proceedings.  
27 Such law or ordinance may exempt from the restriction or ban any  
28 personnel who must be armed for necessary security. Any such law  
29 or ordinance is subject to the requirements of subsection (1)(b)  
30 (i) of this section for storage or safekeeping of weapons and the  
31 requirements of subsection (1)(b)(ii) of this section for marking  
32 and posting of areas in which weapons are restricted or banned.

1           **(b)** Restricting the discharge of firearms in any portion of  
2 their respective jurisdictions where there is a reasonable  
3 likelihood that humans, domestic animals, or property will be  
4 jeopardized. Such laws and ordinances shall not abridge the  
5 right of the individual guaranteed by Article I, section 24 of  
6 the state Constitution to bear arms in defense of self or others;  
7 and

8           ~~((b))~~ **(c)** Restricting the possession of firearms in any  
9 stadium or convention center, operated by a city, town, county,  
10 or other municipality, except that such restrictions shall not  
11 apply to:

12           (i) Any pistol in the possession of a person licensed under  
13 RCW 9.41.070 or exempt from the licensing requirement by RCW  
14 9.41.060; or

15           (ii) Any showing, demonstration, or lecture involving the  
16 exhibition of firearms.

17           (3)(a) Cities, towns, and counties may enact ordinances  
18 restricting the areas in their respective jurisdictions in which  
19 firearms may be sold, but, except as provided in (b) of this  
20 subsection, a business selling firearms may not be treated more  
21 restrictively than other businesses located within the same zone.  
22 An ordinance requiring the cessation of business within a zone  
23 shall not have a shorter grandfather period for businesses  
24 selling firearms than for any other businesses within the zone.

25           (b) Cities, towns, and counties may restrict the location of  
26 a business selling firearms to not less than five hundred feet  
27 from primary or secondary school grounds, if the business has a  
28 storefront, has hours during which it is open for business, and  
29 posts advertisements or signs observable to passersby that  
30 firearms are available for sale. A business selling firearms  
31 that exists as of the date a restriction is enacted under this  
32 subsection (3)(b) shall be grandfathered according to existing  
33 law.

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

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

8 (6) Subsection (1) of this section does not apply to:

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

11 (b) Law enforcement personnel; or

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

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

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

27 (9) Subsection (1)(d) of this section does not apply to the  
28 proprietor of the premises or his or her employees while engaged  
29 in their employment.

30 (10) Any person violating subsection (1) of this section is  
31 guilty of a gross misdemeanor.

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1           (11) "Weapon" as used in this section means any firearm,  
2 explosive as defined in RCW 70.74.010, or instrument or weapon  
3 listed in RCW 9.41.250."

4

5 Correct the title

**EFFECT:** Allows local jurisdictions to restrict or ban the carrying of weapons in buildings used in connection with court proceedings. Any such local ordinance remains subject to requirements for providing safekeeping for weapons and for posting of restricted areas.