
SUBSTITUTE HOUSE BILL 1604

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Schual-Berke, Ballasiotes, O'Brien, Skinner, Campbell, Keiser, Ogden, Cody, Kenney, Kagi, Lovick, Edmonds, Darneille and Santos)

READ FIRST TIME 02/27/01.

1 AN ACT Relating to hospital safety; and amending RCW 9.41.300.

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

3 **Sec. 1.** RCW 9.41.300 and 1994 sp.s. c 7 s 429 are each amended to
4 read 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
7 her control a weapon:

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

16 (b) Those areas in any building which are used in connection
17 with court proceedings, including courtrooms, jury rooms, judge's
18 chambers, offices and areas used to conduct court business,

1 waiting areas, and corridors adjacent to areas used in connection
2 with court proceedings. The restricted areas do not include common
3 areas of ingress and egress to the building that is used in
4 connection with court proceedings, when it is possible to protect
5 court areas without restricting ingress and egress to the
6 building. The restricted areas shall be the minimum necessary to
7 fulfill the objective of this subsection (1)(b).

8 In addition, the local legislative authority shall provide
9 either a stationary locked box sufficient in size for pistols and
10 key to a weapon owner for weapon storage, or shall designate an
11 official to receive weapons for safekeeping, during the owner's
12 visit to restricted areas of the building. The locked box or
13 designated official shall be located within the same building used
14 in connection with court proceedings. The local legislative
15 authority shall be liable for any negligence causing damage to or
16 loss of a weapon either placed in a locked box or left with an
17 official during the owner's visit to restricted areas of the
18 building.

19 The local judicial authority shall designate and clearly mark
20 those areas where weapons are prohibited, and shall post notices
21 at each entrance to the building of the prohibition against
22 weapons in the restricted areas;

23 (c) The restricted access areas of a public mental health
24 facility certified by the department of social and health services
25 for inpatient hospital care and state institutions for the care of
26 the mentally ill, excluding those facilities solely for evaluation
27 and treatment. Restricted access areas do not include common areas
28 of egress and ingress open to the general public; ~~((or))~~

29 (d) That portion of an establishment classified by the state
30 liquor control board as off-limits to persons under twenty-one
31 years of age; or

32 (e) Any building licensed as a hospital pursuant to chapter
33 70.41 RCW. The areas where possession or control of a weapon is
34 restricted under this subsection (1)(e) do not include exterior
35 common areas of egress and ingress to the building open to the
36 general public.

37 (2) Cities, towns, counties, and other municipalities may enact
38 laws and ordinances:

1 (a) 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 right
5 of the individual guaranteed by Article I, section 24 of the state
6 Constitution to bear arms in defense of self or others; and

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

10 (i) Any pistol in the possession of a person licensed under RCW
11 9.41.070 or exempt from the licensing requirement by RCW 9.41.060;

12 or

13 (ii) Any showing, demonstration, or lecture involving the
14 exhibition of firearms.

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

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

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

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

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

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

4 (b) Law enforcement personnel; or

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

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

14 (8) Subsection (1)(c) of this section does not apply to any
15 administrator or employee of the facility or to any person who,
16 upon entering the place or facility, directly and promptly
17 proceeds to the administrator of the facility or the
18 administrator's designee and obtains written permission to possess
19 the firearm while on the premises.

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

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

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

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