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SECOND SUBSTITUTE HOUSE BILL 1604

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State of Washington

57th Legislature

2002 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 01/23/2002. Referred to Committee on .

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 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) held for  
11 extradition or as a material witness, or (iii) otherwise confined  
12 pursuant to an order of a court, except an order under chapter 13.32A  
13 or 13.34 RCW. Restricted access areas do not include common areas of  
14 egress or ingress open to the general public;

15 (b) Those areas in any building which are used in connection with  
16 court proceedings, including courtrooms, jury rooms, judge's chambers,  
17 offices and areas used to conduct court business, waiting areas, and  
18 corridors adjacent to areas used in connection with court proceedings.  
19 The restricted areas do not include common areas of ingress and egress

1 to the building that is used in connection with court proceedings, when  
2 it is possible to protect court areas without restricting ingress and  
3 egress to the building. The restricted areas shall be the minimum  
4 necessary to fulfill the objective of this subsection (1)(b).

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

15 The local judicial authority shall designate and clearly mark those  
16 areas where weapons are prohibited, and shall post notices at each  
17 entrance to the building of the prohibition against weapons in the  
18 restricted areas;

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

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

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

32 (2) Cities, towns, counties, and other municipalities may enact  
33 laws and ordinances:

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

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

4 (i) Any pistol in the possession of a person licensed under RCW  
5 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

6 (ii) Any showing, demonstration, or lecture involving the  
7 exhibition of firearms.

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

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

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

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

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

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

33 (b) Law enforcement personnel; or

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

35 (7) Subsection (1)(a) of this section does not apply to a person  
36 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
37 facility, directly and promptly proceeds to the administrator of the  
38 facility or the administrator's designee and obtains written permission  
39 to possess the firearm while on the premises or checks his or her

1 firearm. The person may reclaim the firearms upon leaving but must  
2 immediately and directly depart from the place or facility.

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

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

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

14 (11) "Weapon" as used in this section means any firearm, explosive  
15 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
16 9.41.250.

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