
SUBSTITUTE HOUSE BILL 2701

State of Washington **58th Legislature** **2004 Regular Session**

By House Committee on Judiciary (originally sponsored by Representatives Lovick, Delvin, O'Brien and Buck)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to weapons in commercial service airports; and
2 amending RCW 9.41.300.

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

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

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

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

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

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

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

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

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

29 (e) The restricted access areas of a commercial service airport
30 designated in the airport security plan approved by the federal
31 transportation security administration, including passenger screening
32 checkpoints at or beyond the point at which a passenger initiates the
33 screening process. These areas do not include airport drives, general
34 parking areas and walkways, and shops and areas of the terminal that
35 are outside the screening checkpoints and that are normally open to
36 unscreened passengers or visitors to the airport. Any restricted
37 access area shall be clearly indicated by prominent signs indicating
38 that firearms and other weapons are prohibited in the area.

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

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

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

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

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

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

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

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

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

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

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

3 (b) Law enforcement personnel; or

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

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

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

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

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

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

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