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HOUSE BILL 1489

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Williams, Tom, Hunt, Jarrett, Lovick, Hankins,  
Darneille, Moeller, Cody, Kagi, McIntire and Chase

Read first time 01/25/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to prohibiting weapons in the state legislative  
2 building; reenacting and amending RCW 9.41.300; and declaring an  
3 emergency.

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

5            **Sec. 1.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each  
6 reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

1 access area shall be clearly indicated by prominent signs indicating  
2 that firearms and other weapons are prohibited in the area; or

3 (f) The state legislative building on the state capitol campus.  
4 Security personnel in the legislative building shall either:

5 (i) Provide a stationary lockable box or boxes sufficient in size  
6 for pistols and with keys for weapons owners for weapon storage during  
7 an owner's visit in the legislative building; or

8 (ii) Designate an official to receive weapons for safekeeping  
9 during an owner's visit in the legislative building.

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

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

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

21 (i) Any pistol in the possession of a person licensed under RCW  
22 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

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

25 (3)(a) Cities, towns, and counties may enact ordinances restricting  
26 the areas in their respective jurisdictions in which firearms may be  
27 sold, but, except as provided in (b) of this subsection, a business  
28 selling firearms may not be treated more restrictively than other  
29 businesses located within the same zone. An ordinance requiring the  
30 cessation of business within a zone shall not have a shorter  
31 grandfather period for businesses selling firearms than for any other  
32 businesses within the zone.

33 (b) Cities, towns, and counties may restrict the location of a  
34 business selling firearms to not less than five hundred feet from  
35 primary or secondary school grounds, if the business has a storefront,  
36 has hours during which it is open for business, and posts  
37 advertisements or signs observable to passersby that firearms are

1 available for sale. A business selling firearms that exists as of the  
2 date a restriction is enacted under this subsection (3)(b) shall be  
3 grandfathered according to existing law.

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

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

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

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

13 (b) Law enforcement personnel, except that subsection (1)(b) of  
14 this section does apply to a law enforcement officer who is present at  
15 a courthouse building as a party to an action under chapter 10.14,  
16 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
17 has alleged the existence of domestic violence as defined in RCW  
18 26.50.010; or

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

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

27 (8) Subsection (1)(c) of this section does not apply to any  
28 administrator or employee of the facility or to any person who, upon  
29 entering the place or facility, directly and promptly proceeds to the  
30 administrator of the facility or the administrator's designee and  
31 obtains written permission to possess the firearm while on the  
32 premises.

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

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

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

4           NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and takes effect  
7 immediately.

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