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HOUSE BILL 1490

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Darneille, Williams, Moeller and Chase

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

1            AN ACT Relating to prohibiting firearms in parks; reenacting and  
2 amending RCW 9.41.300; and providing an effective date.

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

4            **Sec. 1.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each  
5 reenacted and amended to 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;

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; or

1       (f) A park maintained or operated by the state. This subsection  
2 (1)(f) does not apply to:

- 3       (i) A park in which hunting or target shooting is authorized;  
4       (ii) A pistol in the possession of a person licensed under RCW  
5 9.41.070 or exempt from that licensing requirement by RCW 9.41.060; or  
6       (ii) An authorized showing, demonstration, or lecture involving the  
7 exhibition of firearms.

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

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

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

- 20       (i) Any pistol in the possession of a person licensed under RCW  
21 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or  
22       (ii) Any showing, demonstration, or lecture involving the  
23 exhibition of firearms.

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

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

1 date a restriction is enacted under this subsection (3)(b) shall be  
2 grandfathered according to existing law.

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

5 (5) The perimeter of the premises of any specific location covered  
6 by subsection (1) of this section, except for state parks under  
7 subsection (1)(f) 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. With respect  
10 to a state park under subsection (1)(f) of this section, such posting  
11 shall be done at any official entrance to the park, and the department  
12 of natural resources and the state parks and recreation commission  
13 shall ensure that any brochure, pamphlet, or other written material  
14 intended to provide information about the park to potential users that  
15 is published after the effective date of this act, and any web site  
16 intended to provide information about the park to potential users that  
17 is created or updated after the effective date of this act, shall  
18 include information to alert the public as to the existence of any law  
19 restricting the possession of firearms in the park.

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

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

23 (b) Law enforcement personnel, except that subsection (1)(b) of  
24 this section does apply to a law enforcement officer who is present at  
25 a courthouse building as a party to an action under chapter 10.14,  
26 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
27 has alleged the existence of domestic violence as defined in RCW  
28 26.50.010; or

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

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

37 (8) Subsection (1)(c) of this section does not apply to any  
38 administrator or employee of the facility or to any person who, upon

1 entering the place or facility, directly and promptly proceeds to the  
2 administrator of the facility or the administrator's designee and  
3 obtains written permission to possess the firearm while on the  
4 premises.

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

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

10 (11) "Weapon" as used in this section means any firearm, explosive  
11 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
12 9.41.250.

13 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2006.

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