

SENATE BILL REPORT

SB 6322

As Reported By Senate Committee On:
Judiciary, January 25, 2008

Title: An act relating to revising the definition of a weapon.

Brief Description: Revising the definition of a weapon.

Sponsors: Senators Kohl-Welles, Fairley and Kline; by request of Board For Judicial Administration.

Brief History:

Committee Activity: Judiciary: 1/22/08, 1/25/08 [DPS, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, McDermott and Weinstein.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Dawn Noel (786-7472)

Background: It is a gross misdemeanor to enter certain locations when in knowing possession or control of a weapon. Weapons are prohibited in restricted areas of court facilities, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings.

The weapons prohibition in court facilities does not apply to: (1) a person engaged in official military duties; (2) law enforcement personnel, except in some circumstances when the law enforcement officer is present in a courthouse as a party to actions relating to protection orders; or (3) security personnel while engaged in official duties.

A weapon is defined as any firearm, explosive, or instrument or weapon listed in another dangerous weapons statute, e.g., slung shot, sand club, metal knuckles, and various types of knives. Specifically, prohibited knives include:

- a spring blade knife;
- any knife the blade of which is automatically released by a spring mechanism or other mechanical device; and

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- any knife having a blade which opens, falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement.

The referenced dangerous weapons statute creates a penalty for possession of certain other weapons such as a dagger, dirk, or pistol only when the weapon is carried furtively "with intent to conceal."

Summary of Bill (Recommended Substitute): The definition of weapons that may not be brought into areas of any building used in connection with court proceedings is amended. Instead of referencing the definition of "weapon" contained in another dangerous weapons statute, prohibited weapons are specified. The new list of prohibited weapons includes all previously excluded items, as well as any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury. In no instance is the prohibition limited to a weapon carried furtively with intent to conceal.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): Reference to "instrument" is removed. It is added that the prohibition on the unspecified weapons (i.e., "other similar weapon") is applicable if the unspecified weapons are commonly used with the intent to cause death or bodily injury.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill relates to courthouse security. It comes from the Court Security Committee of the Board for Judicial Administration. In a courtroom, tensions run high. Court security already has the ability to restrict weapons. However, under the current definition of weapon, dirks, daggers and pistols are only prohibited when they are carried with intent to conceal. We want to clarify that these weapons are generally prohibited in a courtroom, regardless of whether they are carried with intent to conceal. We are willing to work with the committee on the language relating to "instrument."

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Mellani McAleenan, Brett Buckley, Board for Judicial Administration.