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SENATE BILL 5929

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Carrell, Hargrove, Honeyford, Hobbs, and Roach

Read first time 02/09/09. Referred to Committee on Judiciary.

1            AN ACT Relating to including correctional employees who have  
2 completed government-sponsored law enforcement firearms training to the  
3 lists of law enforcement personnel that are exempt from certain firearm  
4 restrictions; and amending RCW 9.41.060 and 9.41.300.

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

6            **Sec. 1.** RCW 9.41.060 and 2005 c 453 s 3 are each amended to read  
7 as follows:

8            The provisions of RCW 9.41.050 shall not apply to:

9            (1) Marshals, sheriffs, prison or jail wardens or their deputies,  
10 correctional officers and sergeants who have completed government-  
11 sponsored law enforcement firearms training from counties with a  
12 population of one million or more, or other law enforcement officers of  
13 this state or another state;

14            (2) Members of the armed forces of the United States or of the  
15 national guard or organized reserves, when on duty;

16            (3) Officers or employees of the United States duly authorized to  
17 carry a concealed pistol;

18            (4) Any person engaged in the business of manufacturing, repairing,

1 or dealing in firearms, or the agent or representative of the person,  
2 if possessing, using, or carrying a pistol in the usual or ordinary  
3 course of the business;

4 (5) Regularly enrolled members of any organization duly authorized  
5 to purchase or receive pistols from the United States or from this  
6 state;

7 (6) Regularly enrolled members of clubs organized for the purpose  
8 of target shooting, when those members are at or are going to or from  
9 their places of target practice;

10 (7) Regularly enrolled members of clubs organized for the purpose  
11 of modern and antique firearm collecting, when those members are at or  
12 are going to or from their collector's gun shows and exhibits;

13 (8) Any person engaging in a lawful outdoor recreational activity  
14 such as hunting, fishing, camping, hiking, or horseback riding, only  
15 if, considering all of the attendant circumstances, including but not  
16 limited to whether the person has a valid hunting or fishing license,  
17 it is reasonable to conclude that the person is participating in lawful  
18 outdoor activities or is traveling to or from a legitimate outdoor  
19 recreation area;

20 (9) Any person while carrying a pistol unloaded and in a closed  
21 opaque case or secure wrapper; or

22 (10) Law enforcement officers and correctional officers and  
23 sergeants who have completed government-sponsored law enforcement  
24 firearms training from counties with a population of one million or  
25 more retired for service or physical disabilities, except for those law  
26 enforcement officers retired because of mental or stress-related  
27 disabilities. This subsection applies only to a retired officer who  
28 has: (a) Obtained documentation from a law enforcement agency within  
29 Washington state from which he or she retired that is signed by the  
30 agency's chief law enforcement officer and that states that the retired  
31 officer was retired for service or physical disability; and (b) not  
32 been convicted or found not guilty by reason of insanity of a crime  
33 making him or her ineligible for a concealed pistol license.

34 **Sec. 2.** RCW 9.41.300 and 2008 c 33 s 1 are each amended to read as  
35 follows:

36 (1) It is unlawful for any person to enter the following places

1 when he or she knowingly possesses or knowingly has under his or her  
2 control a weapon:

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

10 (b) Those areas in any building which are used in connection with  
11 court proceedings, including courtrooms, jury rooms, judge's chambers,  
12 offices and areas used to conduct court business, waiting areas, and  
13 corridors adjacent to areas used in connection with court proceedings.  
14 The restricted areas do not include common areas of ingress and egress  
15 to the building that is used in connection with court proceedings, when  
16 it is possible to protect court areas without restricting ingress and  
17 egress to the building. The restricted areas shall be the minimum  
18 necessary to fulfill the objective of this subsection (1)(b).

19 For purposes of this subsection (1)(b), "weapon" means any firearm,  
20 explosive as defined in RCW 70.74.010, or any weapon of the kind  
21 usually known as slung shot, sand club, or metal knuckles, or any  
22 knife, dagger, dirk, or other similar weapon that is capable of causing  
23 death or bodily injury and is commonly used with the intent to cause  
24 death or bodily injury.

25 In addition, the local legislative authority shall provide either  
26 a stationary locked box sufficient in size for pistols and key to a  
27 weapon owner for weapon storage, or shall designate an official to  
28 receive weapons for safekeeping, during the owner's visit to restricted  
29 areas of the building. The locked box or designated official shall be  
30 located within the same building used in connection with court  
31 proceedings. The local legislative authority shall be liable for any  
32 negligence causing damage to or loss of a weapon either placed in a  
33 locked box or left with an official during the owner's visit to  
34 restricted areas of the building.

35 The local judicial authority shall designate and clearly mark those  
36 areas where weapons are prohibited, and shall post notices at each  
37 entrance to the building of the prohibition against weapons in the  
38 restricted areas;

1 (c) The restricted access areas of a public mental health facility  
2 certified by the department of social and health services for inpatient  
3 hospital care and state institutions for the care of the mentally ill,  
4 excluding those facilities solely for evaluation and treatment.  
5 Restricted access areas do not include common areas of egress and  
6 ingress open to the general public;

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

10 (e) The restricted access areas of a commercial service airport  
11 designated in the airport security plan approved by the federal  
12 transportation security administration, including passenger screening  
13 checkpoints at or beyond the point at which a passenger initiates the  
14 screening process. These areas do not include airport drives, general  
15 parking areas and walkways, and shops and areas of the terminal that  
16 are outside the screening checkpoints and that are normally open to  
17 unscreened passengers or visitors to the airport. Any restricted  
18 access area shall be clearly indicated by prominent signs indicating  
19 that firearms and other weapons are prohibited in the area.

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

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

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

31 (i) Any pistol in the possession of a person licensed under RCW  
32 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

33 (ii) Any showing, demonstration, or lecture involving the  
34 exhibition of firearms.

35 (3)(a) Cities, towns, and counties may enact ordinances restricting  
36 the areas in their respective jurisdictions in which firearms may be  
37 sold, but, except as provided in (b) of this subsection, a business  
38 selling firearms may not be treated more restrictively than other

1 businesses located within the same zone. An ordinance requiring the  
2 cessation of business within a zone shall not have a shorter  
3 grandfather period for businesses selling firearms than for any other  
4 businesses within the zone.

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

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

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

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

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

22 (b) Law enforcement personnel and correctional officers and  
23 sergeants who have completed government-sponsored law enforcement  
24 firearms training from counties with a population of one million or  
25 more, except that subsection (1)(b) of this section does apply to a law  
26 enforcement officer, or correctional officer or sergeant from a county  
27 with a population of one million or more, who is present at a  
28 courthouse building as a party to an action under chapter 10.14, 10.99,  
29 or 26.50 RCW, or an action under Title 26 RCW where any party has  
30 alleged the existence of domestic violence as defined in RCW 26.50.010;  
31 or

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

33 (7) Subsection (1)(a) of this section does not apply to a person  
34 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
35 facility, directly and promptly proceeds to the administrator of the  
36 facility or the administrator's designee and obtains written permission  
37 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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