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SENATE BILL 6146

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State of Washington                      65th Legislature                      2018 Regular Session

By Senators Saldaña, Pedersen, Keiser, Carlyle, Frockt, Hunt, Wellman, and Kuderer

Read first time 01/09/18. Referred to Committee on Law & Justice.

1            AN ACT Relating to local government authority to regulate  
2 firearms; amending RCW 9.41.300; adding a new section to chapter 9.41  
3 RCW; creating a new section; and repealing RCW 9.41.290.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that gun violence is  
6 a public health crisis in Washington state. For over thirty years,  
7 local towns, cities, and counties have been blocked from taking  
8 action on their own to prevent gun violence because of the statewide  
9 preemption of local regulations relating to firearms. The legislature  
10 intends to provide local jurisdictions the ability to build upon  
11 statewide standards and adopt responsible approaches to firearms  
12 regulations to help address the epidemic of firearm violence in their  
13 communities by restoring inherent local authority to adopt firearms  
14 regulations under the police power to protect public health, safety,  
15 and welfare.

16            NEW SECTION.    **Sec. 2.** A new section is added to chapter 9.41 RCW  
17 to read as follows:

18            This chapter does not affect, modify, or limit the power of a  
19 city, municipality, or county in this state to adopt an ordinance or

1 regulation relating to firearms that is in addition to or more  
2 restrictive than the requirements of this chapter.

3 **Sec. 3.** RCW 9.41.300 and 2011 c 221 s 2 are each amended to read  
4 as follows:

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

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

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

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

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

1 either placed in a locked box or left with an official during the  
2 owner's visit to restricted areas of the building.

3 The local judicial authority shall designate and clearly mark  
4 those areas where weapons are prohibited, and shall post notices at  
5 each entrance to the building of the prohibition against weapons in  
6 the restricted areas;

7 (c) The restricted access areas of a public mental health  
8 facility certified by the department of social and health services  
9 for inpatient hospital care and state institutions for the care of  
10 the mentally ill, excluding those facilities solely for evaluation  
11 and treatment. Restricted access areas do not include common areas of  
12 egress and ingress open to the general public;

13 (d) That portion of an establishment classified by the state  
14 liquor (~~control~~) and cannabis board as off-limits to persons under  
15 twenty-one years of age; or

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

26 ~~(2) ((Cities, towns, counties, and other municipalities may enact  
27 laws and ordinances:~~

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

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

37 ~~(i) Any pistol in the possession of a person licensed under RCW  
38 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or~~

39 ~~(ii) Any showing, demonstration, or lecture involving the  
40 exhibition of firearms.~~

1       ~~(3)(a) Cities, towns, and counties may enact ordinances~~  
2 ~~restricting the areas in their respective jurisdictions in which~~  
3 ~~firearms may be sold, but, except as provided in (b) of this~~  
4 ~~subsection, a business selling firearms may not be treated more~~  
5 ~~restrictively than other businesses located within the same zone. An~~  
6 ~~ordinance requiring the cessation of business within a zone shall not~~  
7 ~~have a shorter grandfather period for businesses selling firearms~~  
8 ~~than for any other businesses within the zone.~~

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

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

20       ~~(5))~~ The perimeter of the premises of any specific location  
21 covered by subsection (1) of this section shall be posted at  
22 reasonable intervals to alert the public as to the existence of any  
23 law restricting the possession of firearms on the premises.

24       ~~((6))~~ (3) Subsection (1) of this section does not apply to:

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

27       (b) Law enforcement personnel, except that subsection (1)(b) of  
28 this section does apply to a law enforcement officer who is present  
29 at a courthouse building as a party to an action under chapter 10.14,  
30 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
31 has alleged the existence of domestic violence as defined in RCW  
32 26.50.010; or

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

34       ~~((7))~~ (4) Subsection (1)(a), (b), (c), and (e) of this section  
35 does not apply to correctional personnel or community corrections  
36 officers, as long as they are employed as such, who have completed  
37 government-sponsored law enforcement firearms training, except that  
38 subsection (1)(b) of this section does apply to a correctional  
39 employee or community corrections officer who is present at a  
40 courthouse building as a party to an action under chapter 10.14,

1 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
2 has alleged the existence of domestic violence as defined in RCW  
3 26.50.010.

4 ~~((+8+))~~ (5) Subsection (1)(a) of this section does not apply to a  
5 person licensed pursuant to RCW 9.41.070 who, upon entering the place  
6 or facility, directly and promptly proceeds to the administrator of  
7 the facility or the administrator's designee and obtains written  
8 permission to possess the firearm while on the premises or checks his  
9 or her firearm. The person may reclaim the firearms upon leaving but  
10 must immediately and directly depart from the place or facility.

11 ~~((+9+))~~ (6) Subsection (1)(c) of this section does not apply to  
12 any administrator or employee of the facility or to any person who,  
13 upon entering the place or facility, directly and promptly proceeds  
14 to the administrator of the facility or the administrator's designee  
15 and obtains written permission to possess the firearm while on the  
16 premises.

17 ~~((+10+))~~ (7) Subsection (1)(d) of this section does not apply to  
18 the proprietor of the premises or his or her employees while engaged  
19 in their employment.

20 ~~((+11+))~~ (8) Government-sponsored law enforcement firearms  
21 training must be training that correctional personnel and community  
22 corrections officers receive as part of their job requirement and  
23 reference to such training does not constitute a mandate that it be  
24 provided by the correctional facility.

25 ~~((+12+))~~ (9) Any person violating subsection (1) of this section  
26 is guilty of a gross misdemeanor.

27 ~~((+13+))~~ (10) "Weapon" as used in this section means any firearm,  
28 explosive as defined in RCW 70.74.010, or instrument or weapon listed  
29 in RCW 9.41.250.

30 NEW SECTION. **Sec. 4.** RCW 9.41.290 (State preemption) and 1994  
31 sp.s. c 7 s 428, 1985 c 428 s 1, & 1983 c 232 s 12 are each repealed.

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