

ESSB 5434 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 03/03/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41
4 RCW to read as follows:

5 (1) It is unlawful for a person to carry onto, or to possess on,
6 licensed child care center premises, child care center-provided
7 transportation, or areas of facilities while being used exclusively
8 by a child care center:

9 (a) Any firearm;

10 (b) Any other dangerous weapon as described in RCW 9.41.250;

11 (c) Any air gun, including any air pistol or air rifle, designed
12 to propel a BB, pellet, or other projectile by the discharge of
13 compressed air, carbon dioxide, or other gas; or

14 (d)(i) Any portable device manufactured to function as a weapon
15 and which is commonly known as a stun gun, including a projectile
16 stun gun that projects wired probes that are attached to the device
17 that emit an electrical charge designed to administer to a person or
18 an animal an electric shock, charge, or impulse; or

19 (ii) Any device, object, or instrument that is used or intended
20 to be used as a weapon with the intent to injure a person by an
21 electric shock, charge, or impulse.

22 (2) A person who violates subsection (1) of this section is
23 guilty of a gross misdemeanor. If a person is convicted of a
24 violation of subsection (1)(a) of this section, the person shall have
25 his or her concealed pistol license, if any, revoked for a period of
26 three years. Anyone convicted under subsection (1)(a) of this section
27 is prohibited from applying for a concealed pistol license for a
28 period of three years from the date of conviction. The court shall
29 order the person to immediately surrender any concealed pistol
30 license, and within three business days notify the department of
31 licensing in writing of the required revocation of any concealed
32 pistol license held by the person. Upon receipt of the notification

1 by the court, the department of licensing shall determine if the
2 person has a concealed pistol license. If the person does have a
3 concealed pistol license, the department of licensing shall
4 immediately notify the license-issuing authority which, upon receipt
5 of the notification, shall immediately revoke the license.

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

7 (a) Family day care provider homes as defined in RCW 43.216.010;

8 (b) Any person in possession of a pistol who has been issued a
9 license under RCW 9.41.070, or is exempt from the licensing
10 requirement by RCW 9.41.060, while picking up or dropping off a child
11 at the child care center;

12 (c) Any person at least eighteen years of age legally in
13 possession of a firearm or dangerous weapon that is secured within an
14 attended vehicle or concealed from view within a locked unattended
15 vehicle while conducting legitimate business at the child care
16 center; or

17 (d) Any law enforcement officer of a federal, state, or local
18 government agency.

19 (4) Child care centers must post "GUN-FREE ZONE" signs giving
20 warning of the prohibition of the possession of firearms on center
21 premises.

22 (5) A child care center that is located on public or private
23 elementary or secondary school premises is subject to the
24 requirements of RCW 9.41.280.

25 (6) For the purposes of this section, child care center has the
26 same meaning as "child day care center" as defined in RCW 43.216.010.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216
28 RCW to read as follows:

29 (1) Every child day care center and early childhood education and
30 assistance program provider is subject to section 1 of this act.

31 (2)(a) A family day care provider must store any firearm,
32 ammunition, or other dangerous weapon as described in RCW 9.41.250 in
33 a secure area when children for whom the family day care provider is
34 licensed to provide care are present on the premises.

35 (b) The secure area must be inaccessible to children and must
36 consist of a locked gun safe or a locked room. If stored in a locked
37 room, each firearm must be stored unloaded and with a trigger lock or
38 other disabling feature.

1 (3) The department may deny, suspend, revoke, modify or not renew
2 the license of a child care provider in violation of this section.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.216
4 RCW to read as follows:

5 The department must adopt rules to implement sections 1 and 2 of
6 this act."

7 Correct the title.

EFFECT: (1) Removes the requirement that the court send notice of the revocation of the concealed pistol license (CPL) of a person convicted of a violation to the city, town, or county that issued the CPL. Provides that the court must order the immediate surrender of the person's CPL and, within three judicial days, send to the Department of Licensing (DOL) notice of the required revocation of any CPL held by the person. Requires the DOL to determine if the person has a CPL, and if so, notify the license-issuing authority, which must immediately revoke the CPL upon receipt of the notification.

(2) Adds an exemption for persons who have a valid concealed pistol license (CPL), or who are exempt from the CPL requirement, while picking up or dropping off a child at the child care center.

(3) Provides that the requirement for family day care providers to store firearms, ammunition, or other weapons in a secure area applies only while children for whom the family day care provider is licensed to provide care are present on the premises.

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