

FINAL BILL REPORT

ESSB 5434

C 189 L 20
Synopsis as Enacted

Brief Description: Restricting possession of weapons in certain locations.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Wilson, C., Hunt, Keiser, Kuderer, Nguyen and Pedersen).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: Firearms Prohibited in Designated Places. Weapons, including firearms, are prohibited statewide in certain designated places. These places are:

- the restricted access areas of a jail or law enforcement facility;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access areas of a public mental health facility;
- taverns and other places that are made off-limits to persons under age twenty-one by liquor control board rules; and
- the restricted access areas of commercial service airports.

The perimeter of the above premises must be posted at reasonable intervals to alert the public to the existence of any law restricting the possession of firearms on the premises. Any person violating this section is guilty of a gross misdemeanor.

The state fully occupies and preempts the entire field of firearms regulation within the state. Local laws and ordinances inconsistent with, more restrictive than, or exceeding the requirements of state law may not be enacted and are preempted and repealed. Cities, towns, counties, and other municipalities, however, are allowed to enact laws and ordinances restricting firearms possession in a stadium or convention center. Those restrictions do not apply to persons with a valid concealed pistol license (CPL).

Firearms Prohibited in Schools. Weapons, including firearms, are prohibited in any public or private elementary school or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools. Violation of this provision is a gross misdemeanor and will result in revocation of a person's CPL for three years. Signs must be posted on the premises warning people of the prohibition of firearms possession on school grounds.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Unsafe Storage of Firearms. A person is guilty of the unsafe storage of a firearm if the person stores a firearm where a person reasonably should know that a prohibited person may gain access to the firearm, the prohibited person obtains access to the firearm, and discharges the firearm in some manner. If the discharge of the firearm causes personal injury or death, the crime is a class C felony. A person will not be guilty if the firearm was in secure gun storage, or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm.

Secure gun storage is when the unloaded firearm is stored in a locked box, gun safe, or other secure locked storage space designed to prevent unauthorized use or discharge of a firearm.

Child Care Centers. A child day care center means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours. A family day care provider is a child care provider who regularly provides early childhood education and early learning services for not more than 12 children in the provider's home in the family living quarters. Child day care centers and family day care providers are licensed and regulated by the Department of Children, Youth, and Families (DCYF).

Summary: Firearms Prohibited in Child Care Centers. Weapons, including firearms, are prohibited from any licensed child care center, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center. Violation of this provision is a gross misdemeanor and will result in revocation of a person's CPL for three years. Signs must be posted on the premises warning people of the prohibition of the possession of firearms on child care center premises. The prohibition does not apply to:

- family day care provider homes;
- any person who has a valid CPL or who is exempt from the CPL requirement while picking up or dropping off a child at the child care center;
- any person in legal possession of a firearm secured in a vehicle; or
- any law enforcement officer.

A family day care provider must store any firearm, ammunition, or other weapon in a secure area when children for whom the family day care provider is licensed to provide care are present on the premises. The secure area must be inaccessible to children and must consist of a locked gun safe or a locked room. If stored in a locked room, the firearm must be unloaded and have a trigger lock or other disabling feature. DCYF may deny, suspend, or revoke the license of any child care provider who violates this section.

Votes on Final Passage:

2019 Regular Session

Senate 26 21

2020 Regular Session

Senate 27 20

House 56 40 (House amended)

Senate 27 21 (Senate concurred)

Effective: June 11, 2020