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**HOUSE BILL 1319**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Wylie, Stonier, Appleton, Ryu, Senn, Valdez, Macri, Walen, and Pollet

Read first time 01/18/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to local government authority to regulate  
2 firearms; reenacting and amending RCW 9.41.300; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that public  
6 engagement and participation in government is an important component  
7 of our democratic system and that government is more effective when  
8 it gathers and considers public input when making policy decisions.  
9 The legislature further finds that in order to encourage public  
10 participation, the residents need to feel comfortable in exercising  
11 their rights to associate and speak freely their views on important  
12 and contentious public policy issues. The legislature further finds  
13 that the open carrying of firearms in public meetings of local  
14 governmental entities can result in intimidation and have a chilling  
15 effect on the willingness of residents to engage in public  
16 participation. The legislature intends to provide local jurisdictions  
17 with the authority to regulate the open carrying of firearms in  
18 public meetings of local governmental entities to foster an  
19 environment where all persons feel comfortable to engage and provide  
20 input in the governmental policy-making process.

1       **Sec. 2.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007  
2 are each reenacted and amended to read as follows:

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

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

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

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

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

39       The local judicial authority shall designate and clearly mark  
40 those areas where weapons are prohibited, and shall post notices at

1 each entrance to the building of the prohibition against weapons in  
2 the restricted areas;

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

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

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

22 (2) Cities, towns, counties, and other municipalities may enact  
23 laws and ordinances:

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

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

33 (i) Any pistol in the possession of a person licensed under RCW  
34 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

35 (ii) Any showing, demonstration, or lecture involving the  
36 exhibition of firearms; and

37 (c) Restricting the open carrying of firearms at any public  
38 meeting of the governing authority of the city, town, county, or  
39 other municipality.

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) 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) Subsection (1) (a), (b), (c), and (e) of this section does not  
35 apply to correctional personnel or community corrections officers, as  
36 long as they are employed as such, who have completed government-  
37 sponsored law enforcement firearms training, except that subsection  
38 (1) (b) of this section does apply to a correctional employee or  
39 community corrections officer who is present at a courthouse building  
40 as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or

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

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

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

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

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

24 (12) Any person violating subsection (1) of this section is  
25 guilty of a gross misdemeanor.

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

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