
HOUSE BILL 1374

State of Washington

66th Legislature

2019 Regular Session

By Representatives Macri, Doglio, Jenkins, Ormsby, Cody, Fey, Robinson, Slatter, Davis, Frame, Stanford, Dolan, Fitzgibbon, Appleton, Riccelli, Valdez, and Santos

Read first time 01/21/19. 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; amending RCW
3 9.41.300; adding a new section to chapter 9.41 RCW; creating a new
4 section; and repealing RCW 9.41.290.

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

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

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

19 This chapter does not affect, modify, or limit the power of a
20 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 2018 c 201 s 9003 and 2018 c 201 s 6007
4 are each reenacted and amended to read 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 licensed or certified by the department of health for
9 inpatient hospital care and state institutions for the care of the
10 mentally ill, excluding those facilities solely for evaluation and
11 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 and cannabis board as off-limits to persons under twenty-one
15 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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