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**SENATE BILL 5782**

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**State of Washington                      66th Legislature                      2019 Regular Session**

**By** Senators Zeiger, Fortunato, Takko, Padden, Palumbo, and Wilson, L.

Read first time 01/31/19. Referred to Committee on Law & Justice.

1            AN ACT Relating to spring blade knives; amending RCW 9.41.250 and  
2 9.41.280; reenacting and amending RCW 9.41.300; repealing RCW  
3 9.41.251; and prescribing penalties.

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

5            **Sec. 1.** RCW 9.41.250 and 2012 c 179 s 1 are each amended to read  
6 as follows:

7            (1) Every person who:

8            (a) Manufactures, sells, or disposes of or possesses any  
9 instrument or weapon of the kind usually known as slung shot, sand  
10 club, or metal knuckles (~~(, or spring blade knife)~~);

11            (b) Furtively carries with intent to conceal any dagger, dirk,  
12 pistol, or other dangerous weapon; or

13            (c) Uses any contrivance or device for suppressing the noise of  
14 any firearm unless the suppressor is legally registered and possessed  
15 in accordance with federal law,  
16 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

17            (2) "Spring blade knife" means any knife, including a prototype,  
18 model, or other sample, with a blade that is automatically released  
19 by a spring mechanism or other mechanical device, or any knife having  
20 a blade which opens, or falls, or is ejected into position by the  
21 force of gravity, or by an outward, downward, or centrifugal thrust

1 or movement. A knife that contains a spring, detent, or other  
2 mechanism designed to create a bias toward closure of the blade and  
3 that requires physical exertion applied to the blade by hand, wrist,  
4 or arm to overcome the bias toward closure to assist in opening the  
5 knife is not a spring blade knife. A spring blade knife is not a  
6 dangerous weapon under this section.

7 **Sec. 2.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended  
8 to read as follows:

9 (1) It is unlawful for a person to carry onto, or to possess on,  
10 public or private elementary or secondary school premises, school-  
11 provided transportation, or areas of facilities while being used  
12 exclusively by public or private schools:

13 (a) Any firearm;

14 (b) Any other dangerous weapon as defined in RCW 9.41.250;

15 (c) Any device commonly known as "nun-chu-ka sticks," consisting  
16 of two or more lengths of wood, metal, plastic, or similar substance  
17 connected with wire, rope, or other means;

18 (d) Any device, commonly known as "throwing stars," which are  
19 multipointed, metal objects designed to embed upon impact from any  
20 aspect;

21 (e) Any air gun, including any air pistol or air rifle, designed  
22 to propel a BB, pellet, or other projectile by the discharge of  
23 compressed air, carbon dioxide, or other gas; (~~(e)~~)

24 (f) (i) Any portable device manufactured to function as a weapon  
25 and which is commonly known as a stun gun, including a projectile  
26 stun gun which projects wired probes that are attached to the device  
27 that emit an electrical charge designed to administer to a person or  
28 an animal an electric shock, charge, or impulse; or

29 (ii) Any device, object, or instrument which is used or intended  
30 to be used as a weapon with the intent to injure a person by an  
31 electric shock, charge, or impulse; or

32 (g) Any spring blade knife as defined in RCW 9.41.250(2).

33 (2) Any such person violating subsection (1) of this section is  
34 guilty of a gross misdemeanor. If any person is convicted of a  
35 violation of subsection (1)(a) of this section, the person shall have  
36 his or her concealed pistol license, if any revoked for a period of  
37 three years. Anyone convicted under this subsection is prohibited  
38 from applying for a concealed pistol license for a period of three  
39 years. The court shall send notice of the revocation to the

1 department of licensing, and the city, town, or county which issued  
2 the license.

3 Any violation of subsection (1) of this section by elementary or  
4 secondary school students constitutes grounds for expulsion from the  
5 state's public schools in accordance with RCW 28A.600.010. An  
6 appropriate school authority shall promptly notify law enforcement  
7 and the student's parent or guardian regarding any allegation or  
8 indication of such violation.

9 Upon the arrest of a person at least twelve years of age and not  
10 more than twenty-one years of age for violating subsection (1)(a) of  
11 this section, the person shall be detained or confined in a juvenile  
12 or adult facility for up to seventy-two hours. The person shall not  
13 be released within the seventy-two hours until after the person has  
14 been examined and evaluated by the designated crisis responder unless  
15 the court in its discretion releases the person sooner after a  
16 determination regarding probable cause or on probation bond or bail.

17 Within twenty-four hours of the arrest, the arresting law  
18 enforcement agency shall refer the person to the designated crisis  
19 responder for examination and evaluation under chapter 71.05 or 71.34  
20 RCW and inform a parent or guardian of the person of the arrest,  
21 detention, and examination. The designated crisis responder shall  
22 examine and evaluate the person subject to the provisions of chapter  
23 71.05 or 71.34 RCW. The examination shall occur at the facility in  
24 which the person is detained or confined. If the person has been  
25 released on probation, bond, or bail, the examination shall occur  
26 wherever is appropriate.

27 Upon completion of any examination by the designated crisis  
28 responder, the results of the examination shall be sent to the court,  
29 and the court shall consider those results in making any  
30 determination about the person.

31 The designated crisis responder shall, to the extent permitted by  
32 law, notify a parent or guardian of the person that an examination  
33 and evaluation has taken place and the results of the examination.  
34 Nothing in this subsection prohibits the delivery of additional,  
35 appropriate mental health examinations to the person while the person  
36 is detained or confined.

37 If the designated crisis responder determines it is appropriate,  
38 the designated crisis responder may refer the person to the local  
39 behavioral health organization for follow-up services or the  
40 (~~department of social and health services~~) health care authority or

1 other community providers for other services to the family and  
2 individual.

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

4 (a) Any student or employee of a private military academy when on  
5 the property of the academy;

6 (b) Any person engaged in military, law enforcement, or school  
7 district security activities. However, a person who is not a  
8 commissioned law enforcement officer and who provides school security  
9 services under the direction of a school administrator may not  
10 possess a device listed in subsection (1)(f) of this section unless  
11 he or she has successfully completed training in the use of such  
12 devices that is equivalent to the training received by commissioned  
13 law enforcement officers;

14 (c) Any person who is involved in a convention, showing,  
15 demonstration, lecture, or firearms safety course authorized by  
16 school authorities in which the firearms of collectors or instructors  
17 are handled or displayed;

18 (d) Any person while the person is participating in a firearms or  
19 air gun competition approved by the school or school district;

20 (e) Any person in possession of a pistol who has been issued a  
21 license under RCW 9.41.070, or is exempt from the licensing  
22 requirement by RCW 9.41.060, while picking up or dropping off a  
23 student;

24 (f) Any nonstudent at least eighteen years of age legally in  
25 possession of a firearm or dangerous weapon that is secured within an  
26 attended vehicle or concealed from view within a locked unattended  
27 vehicle while conducting legitimate business at the school;

28 (g) Any nonstudent at least eighteen years of age who is in  
29 lawful possession of an unloaded firearm, secured in a vehicle while  
30 conducting legitimate business at the school; or

31 (h) Any law enforcement officer of the federal, state, or local  
32 government agency.

33 (4) Subsections (1)(c) and (d) of this section do not apply to  
34 any person who possesses nun-chu-ka sticks, throwing stars, or other  
35 dangerous weapons to be used in martial arts classes authorized to be  
36 conducted on the school premises.

37 (5) Subsection (1)(f)(i) of this section does not apply to any  
38 person who possesses a device listed in subsection (1)(f)(i) of this  
39 section, if the device is possessed and used solely for the purpose

1 approved by a school for use in a school authorized event, lecture,  
2 or activity conducted on the school premises.

3 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of  
4 this section, firearms are not permitted in a public or private  
5 school building.

6 (7) "GUN-FREE ZONE" signs shall be posted around school  
7 facilities giving warning of the prohibition of the possession of  
8 firearms on school grounds.

9 **Sec. 3.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007  
10 are each reenacted and amended to read as follows:

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

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

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

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

37 In addition, the local legislative authority shall provide either  
38 a stationary locked box sufficient in size for pistols and key to a  
39 weapon owner for weapon storage, or shall designate an official to

1 receive weapons for safekeeping, during the owner's visit to  
2 restricted areas of the building. The locked box or designated  
3 official shall be located within the same building used in connection  
4 with court proceedings. The local legislative authority shall be  
5 liable for any negligence causing damage to or loss of a weapon  
6 either placed in a locked box or left with an official during the  
7 owner's visit to restricted areas of the building.

8 The local judicial authority shall designate and clearly mark  
9 those areas where weapons are prohibited, and shall post notices at  
10 each entrance to the building of the prohibition against weapons in  
11 the restricted areas;

12 (c) The restricted access areas of a public mental health  
13 facility licensed or certified by the department of health for  
14 inpatient hospital care and state institutions for the care of the  
15 mentally ill, excluding those facilities solely for evaluation and  
16 treatment. Restricted access areas do not include common areas of  
17 egress and ingress open to the general public;

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

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

31 (2) Cities, towns, counties, and other municipalities may enact  
32 laws and ordinances:

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

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

4 (i) Any pistol in the possession of a person licensed under RCW  
5 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

6 (ii) Any showing, demonstration, or lecture involving the  
7 exhibition of firearms.

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

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

24 (4) Violations of local ordinances adopted under subsection (2)  
25 of this section must have the same penalty as provided for by state  
26 law.

27 (5) The perimeter of the premises of any specific location  
28 covered by subsection (1) of this section shall be posted at  
29 reasonable intervals to alert the public as to the existence of any  
30 law restricting the possession of firearms on the premises.

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

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

34 (b) Law enforcement personnel, except that subsection (1)(b) of  
35 this section does apply to a law enforcement officer who is present  
36 at a courthouse building as a party to an action under chapter 10.14,  
37 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
38 has alleged the existence of domestic violence as defined in RCW  
39 26.50.010; or

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

1 (7) Subsection (1)(a), (b), (c), and (e) of this section does not  
2 apply to correctional personnel or community corrections officers, as  
3 long as they are employed as such, who have completed government-  
4 sponsored law enforcement firearms training, except that subsection  
5 (1)(b) of this section does apply to a correctional employee or  
6 community corrections officer who is present at a courthouse building  
7 as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or  
8 an action under Title 26 RCW where any party has alleged the  
9 existence of domestic violence as defined in RCW 26.50.010.

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

17 (9) Subsection (1)(c) of this section does not apply to any  
18 administrator or employee of the facility or to any person who, upon  
19 entering the place or facility, directly and promptly proceeds to the  
20 administrator of the facility or the administrator's designee and  
21 obtains written permission to possess the firearm while on the  
22 premises.

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

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

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

33 (13) "Weapon" as used in this section means any firearm,  
34 explosive as defined in RCW 70.74.010, spring blade knife as defined  
35 in RCW 9.41.205(2), or instrument or weapon listed in RCW 9.41.250.



1        NEW SECTION.        **Sec. 4.**        RCW 9.41.251 (Dangerous weapons—  
2 Application of restrictions to law enforcement, firefighting, rescue,  
3 and military personnel) and 2012 c 179 s 2 are each repealed.

--- **END** ---