
Civil Rights & Judiciary Committee

HB 1630

Brief Description: Establishing restrictions on the possession of weapons in certain locations.

Sponsors: Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame.

Brief Summary of Bill

- Prohibits the open carry of firearms and other weapons while knowingly being in: a local government building used in connection with meetings of the governing body of the local government; or any location of a public meeting or hearing of the governing body of a local government during the meeting or hearing.
- Prohibits the possession of firearms and other weapons in areas of facilities while being used for official meetings of a school district board of directors.

Hearing Date: 1/12/22

Staff: Edie Adams (786-7180).

Background:

State law regulates locations where firearms and other weapons are carried and the manner in which firearms and other weapons are carried or displayed.

Locations Where Weapons Are Prohibited.

It is a gross misdemeanor for a person who knowingly possesses a weapon to enter the following locations:

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- restricted areas of jails, law enforcement facilities, or other places used for confinement of a person in connection with criminal offenses;
- areas used in connection with court proceedings, including courtrooms, jury rooms, judges' chambers, and offices;
- restricted areas of licensed or certified public mental health facilities;
- areas of an establishment that is off-limits to persons under age 21; and
- restricted areas of commercial airports.

The perimeter of any location where weapons are prohibited must be posted at reasonable intervals to alert the public that firearms are prohibited at the location. Law enforcement personnel, and military and security personnel while engaged in official business, are exempt from these restrictions and a number of other exceptions apply.

It is also a gross misdemeanor offense for a person to possess firearms or weapons on:

- public or private elementary or secondary school premises, school-provided transportation, or areas of facilities that are being used exclusively by public or private schools; or
- licensed child care center premises, child care center-provided transportation, and areas of facilities being used exclusively by a child care center.

Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute. Numerous exemptions apply, including for law enforcement officers; any person engaged in military, law enforcement, or school district security activities; and any concealed pistol license (CPL) holder while picking up or dropping off a student.

Open Carry of Firearms and Weapons.

Washington law does not generally prohibit the open carry of firearms in public locations where the possession of weapons is not otherwise prohibited, except with respect to permitted demonstrations and state Capitol Campus grounds and legislative facilities.

It is a gross misdemeanor offense for a person to openly carry a firearm or other weapon while knowingly being in the following locations: on the West State Capitol Campus grounds; in any buildings on the State Capitol grounds; in any state legislative office; or at any location of a public legislative hearing or meeting during the hearing or meeting. A violation is a gross misdemeanor offense.

It is also a gross misdemeanor offense for a person to knowingly open carry a firearm or other weapons while knowingly being at any permitted demonstration, or within 250 feet of a permitted demonstration after a law enforcement officer advises the person of the permitted demonstration.

These offenses are subject to exemptions for: federal, state, and local law enforcement officers and personnel when carrying a firearm or weapon in conformance with their employing agency's policy; and members of the armed forces of the United States or the state of Washington when

carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

Summary of Bill:

Restrictions on the carrying and possession of firearms and other weapons are established for areas used in connection with meetings of local government governing bodies and meetings of the board of directors of school districts.

Local Government Meetings.

It is unlawful for a person to openly carry a weapon while knowingly being in city, town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the meeting or hearing.

"Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

Prohibited weapons are the same as those prohibited under the statute addressing open carry of weapons on State Capitol grounds and legislative facilities, and include: a firearm, explosive, weapon of the kind usually known as slungshot, sand club, metal knuckles, any knife, dagger, dirk or other similar weapon that is capable of causing death or bodily injury and is commonly used with that intent.

Exemptions are provided for: federal, state, and local law enforcement officers and personnel when carrying a firearm or weapon in conformance with their employing agency's policy; and members of the armed forces of the United States or the state of Washington when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

School Board Meetings.

A person is prohibited from possessing firearms or other weapons in areas of facilities while being used for official meetings of a school district board of directors. A violation is a gross misdemeanor offense. A person who violates this restriction by possessing a firearm must have his or her CPL revoked for three years.

Prohibited weapons are the same as those prohibited under the statute prohibiting weapons on school grounds, and include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute. A number of exemptions apply, including: law enforcement officers; any person engaged in military, law enforcement, or school district security activities; and any CPL holder while picking up or dropping off a student.

A violation of the restriction by elementary or secondary school students constitutes grounds for expulsion from school. If a person who is 12 years of age and not more than 21 years of age is

arrested for violating the restriction by possessing a firearm, the person must be detained or confined in a juvenile or adult facility for up to 72 hours and referred for an examination and evaluation by a designated crisis responder (DCR) under the Involuntary Treatment Act. The DCR must inform the court of the results and also notify the parent or guardian, if permitted by law, that the evaluation has taken place. The DCR may also refer the person to the local behavioral health services organization or other community providers for services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.