

HOUSE BILL REPORT

ESHB 1630

As Amended by the Senate

Title: An act relating to establishing restrictions on the possession of weapons in certain locations.

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

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by 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 History:

Committee Activity:

Civil Rights & Judiciary: 1/12/22, 1/21/22 [DPS].

Floor Activity:

Passed House: 2/14/22, 57-41.

Senate Amended.

Passed Senate: 3/1/22, 28-20.

Brief Summary of Engrossed Substitute 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 carrying and possession of firearms and other weapons in areas of facilities while being used for official meetings of a school district board of directors.
- Prohibits the carrying and possession of firearms and other weapons in election-related offices and facilities, and requires election officials to post signs at election-related facilities providing notice of the restriction.

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

- Makes violations of these restrictions a gross misdemeanor offense and creates exemptions from the restrictions.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Hansen, Chair; Simmons, Vice Chair; Davis, Entenman, Goodman, Kirby, Orwall, Peterson, Thai, Valdez and Walen.

Minority Report: Do not pass. Signed by 6 members: Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno, Klippert and Ybarra.

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:

- 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 knowingly open 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 Engrossed Substitute 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 school district boards of directors, and for certain election-related facilities.

Local Government Meetings.

It is unlawful for a person to knowingly open 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.

Cities, towns, counties, and other municipalities must post signs at locations where firearms and weapons are restricted to provide notice of the restrictions.

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 knowingly carrying or 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, and is prohibited from applying for a CPL for a period of three years from the date of conviction.

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 school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons at facilities being used for meetings of the school district board of directors.

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.

Election-Related Facilities.

The carrying and possession of firearms and other specified weapons in certain election offices and facilities is prohibited. Restricted locations are ballot counting centers, voting centers, student engagement hubs, county elections and voter registration offices, and areas of facilities used as a ballot counting center, voting center, student engagement hub, or county elections and voter registration office. Prohibited weapons are firearms, weapons listed under the dangerous weapon statute, air guns, stun guns and devices used or intended to be used to injure a person by an electric shock or impulse, and spring blade knives.

These restrictions do not apply to any federal, state, or local law enforcement officer, or any security personnel hired by a county and engaged in providing security for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. In addition, these restrictions do not apply to concealed carry of a pistol by a CPL holder in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. This exemption, however, does not apply to carrying or possessing firearms in any ballot counting center or areas of facilities while being used as a ballot counting center.

A violation of these restrictions is punishable as a gross misdemeanor. Additionally, any person convicted of carrying or possessing a firearm in violation of this restriction must have his or her CPL, if any, revoked for a period of three years, and is prohibited from applying for a CPL for a period of three years from the date of conviction.

Elections officers and officials must post signs providing notice of these restrictions at each counting center, voting center, student engagement hub, county elections and voter registration office, or areas of facilities used for such purposes.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- Exempts concealed pistol license holders and persons exempt from concealed pistol licensing requirements from the prohibition on possessing a pistol while attending an official meeting of a school district board of directors that is held off school district owned or leased property.
- Lowers the penalty for a first violation of place-based restrictions on possession of weapons from a gross misdemeanor to a misdemeanor, and retains the gross misdemeanor penalty for second and subsequent violations. Applies this lower penalty for a first violation to weapons restrictions at the following locations:
 - 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;

- areas of facilities while being used for official meetings of a school district board of directors;
- the west state capitol campus grounds; buildings on the state capitol grounds; state legislative offices; or at any location of a public legislative hearing or meeting during the hearing or meeting;
- local government buildings 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 during the meeting or hearing; and
- ballot counting centers, voting centers, student engagement hubs, county elections and voter registration offices, and areas of facilities used as a ballot counting center, voting center, student engagement hub, or county elections and voter registration office.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except section 4, which, to avoid a double amendment, takes effect on July 1, 2022, if Substitute House Bill 1224 is enacted into law.

Staff Summary of Public Testimony:

(In support) Fear of gun violence creates intimidation and restricts peoples' ability to participate in their fundamental right to address the government and participate in the democratic process. Safe public assembly is a hallmark of democracy. No one should have to brave armed intimidation to participate in our democratic processes. There are limitations on constitutional rights; none of them are absolute. It is important to be vigilant in protecting free speech and protecting people from violence. This bill does both by providing that guns have no place in the political process.

There have been many disturbing stories of local governments and school districts across Washington experiencing intimidation and threats of violence during their public meetings. This kind of intimidation works. People are afraid to speak out on issues because they are afraid they will be targeted.

As the events of last January 6 show, it is one of most challenging times to be an elected official, and there is a growing threat of armed intimidation. There has been a dramatic shift in how people look at government and how they interact with public officials. There has also been an increase in extreme anti-government groups operating in Washington with an intent to intimidate elected leaders and constituents. No city council member or school board member should be in fear of doing their service to the public.

Firearms do not belong in city hall or in school board meetings. The places where

government meetings are held should be places where people can participate without fear of intimidation. Carrying firearms in these settings can increase aggressive and violent behavior and exacerbate tensions and is inconsistent with democracy and public safety. Local governments are preempted from acting so they need this protection.

(Opposed) This bill infringes on the right of self-defense and denies citizens the right to a sense of safety. Banning guns does not make people safer, rather it has the opposite effect. The bill will make hundreds of thousands of legal gun owners feel intimidated. The state should not take away Second Amendment rights in order to serve the few who feel intimidated by that constitutional right.

Crime rates have dramatically increased and many people are concerned about their safety when going out in public places because they are not safe. People need to be able to defend themselves. People cannot do their civic duty and participate in public meetings if they are not able to protect themselves from a fear of violence that is totally justified. Taking away their right to carry a firearm to defend themselves encroaches on their ability to safely participate in their communities.

The police have no duty to protect the public. Citizens participating in public meetings have no expectation that police will protect them from violence. Victims of domestic violence and sexual assault are in fear of violence from their abusers and they need to be able to protect themselves. This bill makes victims defenseless.

This bill is another example of the government taking away more rights of Washington residents. The focus on anti-government and radicalized fringe movements is unfairly being used to paint law-abiding people in a bad light.

Persons Testifying: (In support) Representative Tana Senn, prime sponsor; Cheryl Selby, City of Olympia; Drayton Jackson, Central Kitsap School District; Breean Beggs, Spokane City Council; Tanya Schardt, Brady Center to Prevent Gun Violence; Liz Hjelmseth; Eric Richey, Whatcom County Prosecuting Attorney's Office; Margy Heldring, Grandmothers Against Gun Violence; Miri Cypers, Anti-Defamation League; Dan Hammill; Niko Battle; Jane Weiss; and Matt Vadnal.

(Opposed) Curtis Bingham, Washington Civil Rights Association; Sharyn Hinchcliffe; Shane Cridlebaugh; Todd Gowin; and Ivan Chongarov.

Persons Signed In To Testify But Not Testifying: Joe Kunzler; Catherine Ahl, League of Women Voters of Washington; Ju Namkung, Moms Demand Action; Jeannie Shu; Ian Taylor; Paula Barnes; Charlene Kahn; Leanne Kennedy; Isaam Akhtar; Jordan Waits; Brad Blackburn; Tremayne Edwards; Maureen McGregor; Kristen Ellingboe; Nelago Nuunyang; Chelsey Wright; Sean Kent; Hazel Brown; Michael Beardslee; Christine Price; Rex Terry; and Yucheng Tang.