

# SENATE BILL REPORT

## ESHB 1630

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As of February 21, 2022

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

**Committee Activity:** Law & Justice: 2/21/22.

### Brief Summary of Bill

- Prohibits the knowing open carry and possession of firearms and other prohibited weapons on to or in school areas and areas of facilities while being used for official meetings of a school district board of directors and requires the school district board of directors to post signs at such locations providing notice of the restrictions.
- Prohibits the knowing open carry of firearms and other prohibited 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 and requires a local government to post signs at such locations providing notice of the restrictions.
- Prohibits the knowing carry and possession of firearms and other prohibited weapons in election-related offices and facilities and requires election officials to post signs at election-related facilities providing

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*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.*

notice of the restrictions.

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

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## SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**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.

Other 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.

Weapons Prohibited on School Grounds. It is a gross misdemeanor offense for a person to possess firearms or prohibited 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, subject to various exemptions.

Notice must be posted at reasonable intervals around the perimeter of any location where weapons are prohibited to alert the public that firearms are prohibited at the location.

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, subject to various exemptions. A violation is a gross misdemeanor offense.

**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 school district boards of directors, and for certain election-related facilities.

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 must have their concealed pistol license (CPL), if any, revoked for three years, and is prohibited from applying for a CPL for three years from the date of conviction.

There are various exemptions to this prohibition including for 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.

Local Government Meetings. It is unlawful for a person to knowingly open carry a weapon while 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.

Exemptions to the prohibition 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. These prohibitions do not apply to the lawful concealed carry of a firearm by a person who has a valid CPL.

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

Election-Related Facilities. The knowing carry and possession of firearms and other weapons in certain election offices and facilities is prohibited. Restricted locations include 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.

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. 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. These exemptions do 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. Any person convicted of carrying or possessing a firearm in violation of this restriction must have their CPL, if any, revoked for three years, and is prohibited from applying for a CPL for 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: The bill protects free speech and democracy, and keeps Washingtonians safe by ensuring that firearms cannot be used for armed intimidation. Voting is a fundamental right, and in order to exercise this right, election workers need to feel safe. There has been a mass exodus of election officials because they do not feel safe. The bill creates clear expectations for all Washingtonians that voting spaces are safe by limiting the display of weapons and reducing threats of violence or intimidation. Protests, debates, and peaceful political discourse are essential for a democracy, but these cannot occur with armed intimidation at public meetings and election facilities. Firearms are already prohibited in certain places like schools and courthouses. Election-related facilities and other public locations should be just as protected. The bill places reasonable limitations on the open carry of firearms.

CON: This bill massively expands gun-free zones which are inadequate without screening measures. Gun-free zones are more at risk of violence. Washington has crime problems and criminals do not care about the laws or signage. Second Amendment rights should not be trumped by emotions and feelings. Law-abiding citizens should not be punished for unsubstantiated threats to school and local officials. Disarming people is not the answer given the decreases in policing and increases in hate crimes, especially hate crimes against Asian-Americans. The bill discourages women and people in poor and unsafe neighborhoods to participate in government. The bill also disarms people of not only firearms, but other weapons while allowing law enforcement to possess such weapons. This encourages abusers and other people to threaten and silence testifiers going to and leaving from public meetings.

**Persons Testifying:** PRO: Representative Tana Senn, Prime Sponsor; Garth Fell, Snohomish County Auditor; Mary Hall, Thurston County Auditor; Breean Beggs, Spokane City Council President; Camden Weber, Brady Center to Prevent Gun Violence; Emilie

Schwartz, ADL; Eric Richey, Whatcom County Prosecutor; Niko Battle; Lyn Idahosa-Berry, Federal Way Black Collective.

CON: Brandon Davis; El'ona Kearney; Lisa Chang; He Yan; Lisa Duncan; Sharyn Hinchcliffe; Aoibheann Cline, National Rifle Association; Eric Pratt, America.

**Persons Signed In To Testify But Not Testifying:** PRO: Margaret Heldring, Grandmothers Against Gun Violence; Matt Vadnal; Rebecca Elbaum, Everytown for Gun Safety; Jane Weiss; Jeannie Shu; Hazel Brown; Tremayne Edwards; Kristen Ellingboe; Kathy Sakahara, Northwest Progressive Institute; Nelago Nuunyango; Sean Kent; Brian Duncan, Seattle Council PTSA.

CON: Donovan Davis; Brandon Pollack, All in One Jewelry and Loan; Britney Lau; John Gunn; Dale Wentworth; Eric Rexilius; Travis Bunke; Janet He; Laurie Layne; Michael McKinley; Jacqueline Chipman; Richard Grunewald.