

SENATE BILL REPORT

SB 5568

As of January 13, 2022

Title: An act relating to preemption of municipal laws restricting the open carry of weapons.

Brief Description: Concerning preemption of municipal laws restricting the open carry of weapons.

Sponsors: Senators Kuderer, Dhingra, Keiser, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/17/22.

Brief Summary of Bill

- Permits local governments to enact laws and ordinances restricting the open carry of weapons at any public meeting; any building or facility owned or operated by a city, town, county, or other municipality; or any permitted demonstration within their respective jurisdictions.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: General Restrictions. Weapons, including firearms, are prohibited statewide in the following places:

- the restricted access areas of a jail or law enforcement facility;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access areas of a public mental health facility;
- taverns and other places made off-limits by Liquor and Cannabis Board rules to persons under the age of 21; and
- the restricted access areas of commercial service airports.

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.

The perimeter of any such location must be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

Schools and Childcare Premises. Weapons, including firearms, are prohibited in any public or private school or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools.

It is unlawful for a person to carry onto, or possess on, licensed child care premises, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center, any weapons, including firearms.

Demonstrations. It is unlawful for a person to knowingly open carry a firearm or any other weapon, whether on their person or in a vehicle, at any permitted demonstration, or within 250 feet of the perimeter of a permitted demonstration after an authorized law enforcement officer directs the person to leave until they no longer possess the weapon. This later prohibition does not apply to any individual possessing or controlling a weapon on private property that person owns or leases.

Penalty. A person who violates any of these prohibitions is guilty of a gross misdemeanor which carries with it a sentence of up to 365 days imprisonment in the county jail, a fine up to \$5,000, or both.

Local Ordinances. The state of Washington fully occupies and preempts the entire field of firearm regulation within the state. Local governments may enact only those laws and ordinances relating to firearms specifically authorized by state law, and any local law or ordinance inconsistent with, more restrictive than, or exceeds the requirements of state law must not be enacted and are preempted and repealed.

Under state law, cities, towns, counties, and other municipalities may enact laws and ordinances restricting the following:

- the discharge of a firearm where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized;
- the possession of firearms in any stadium or convention center, operated by the city, town, county, or other municipality; and
- the areas in their respective jurisdictions in which firearms may be sold.

Violation of any such local ordinances must have the same penalty as provided in state law.

Summary of Bill: Cities, towns, counties, and other municipalities may enact laws and ordinances restricting the open carry of firearms or other weapons at any public meeting; any building or facility owned or operated by a city, town, county, or other municipality; or any permitted demonstration within their respective jurisdictions. These allowances apply both to the current law that expires on July 1, 2022, and the mirror replacement law which takes effect on that same day.

Appropriation: None.

Fiscal Note: Not requested.

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

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