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**HOUSE BILL 1195**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Senn, Riccelli, Fitzgibbon, Walen, Fey, Ryu, Berry, Bateman, Simmons, Santos, Gregerson, Berg, Bergquist, Tharinger, Ramel, Doglio, Ormsby, Macri, Callan, Fosse, Thai, and Pollet

Read first time 01/10/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to prohibiting the open carry of certain weapons  
2 in public parks and public hospitals; reenacting and amending RCW  
3 9.41.300; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.41.300 and 2021 c 261 s 1 and 2021 c 215 s 96 are  
6 each reenacted and amended to read as follows:

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

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

17 (b) Those areas in any building which are used in connection with  
18 court proceedings, including courtrooms, jury rooms, judge's  
19 chambers, offices and areas used to conduct court business, waiting  
20 areas, and corridors adjacent to areas used in connection with court  
21 proceedings. The restricted areas do not include common areas of

1 ingress and egress to the building that is used in connection with  
2 court proceedings, when it is possible to protect court areas without  
3 restricting ingress and egress to the building. The restricted areas  
4 shall be the minimum necessary to fulfill the objective of this  
5 subsection (1)(b).

6 For purposes of this subsection (1)(b), "weapon" means any  
7 firearm, explosive as defined in RCW 70.74.010, or any weapon of the  
8 kind usually known as slungshot, sand club, or metal knuckles, or any  
9 knife, dagger, dirk, or other similar weapon that is capable of  
10 causing death or bodily injury and is commonly used with the intent  
11 to cause death or bodily injury.

12 In addition, the local legislative authority shall provide either  
13 a stationary locked box sufficient in size for pistols and key to a  
14 weapon owner for weapon storage, or shall designate an official to  
15 receive weapons for safekeeping, during the owner's visit to  
16 restricted areas of the building. The locked box or designated  
17 official shall be located within the same building used in connection  
18 with court proceedings. The local legislative authority shall be  
19 liable for any negligence causing damage to or loss of a weapon  
20 either placed in a locked box or left with an official during the  
21 owner's visit to restricted areas of the building.

22 The local judicial authority shall designate and clearly mark  
23 those areas where weapons are prohibited, and shall post notices at  
24 each entrance to the building of the prohibition against weapons in  
25 the restricted areas;

26 (c) The restricted access areas of a public mental health  
27 facility licensed or certified by the department of health for  
28 inpatient hospital care and state institutions for the care of the  
29 mentally ill, excluding those facilities solely for evaluation and  
30 treatment. Restricted access areas do not include common areas of  
31 egress and ingress open to the general public;

32 (d) That portion of an establishment classified by the state  
33 liquor and cannabis board as off-limits to persons under 21 years of  
34 age; or

35 (e) The restricted access areas of a commercial service airport  
36 designated in the airport security plan approved by the federal  
37 transportation security administration, including passenger screening  
38 checkpoints at or beyond the point at which a passenger initiates the  
39 screening process. These areas do not include airport drives, general  
40 parking areas and walkways, and shops and areas of the terminal that

1 are outside the screening checkpoints and that are normally open to  
2 unscreened passengers or visitors to the airport. Any restricted  
3 access area shall be clearly indicated by prominent signs indicating  
4 that firearms and other weapons are prohibited in the area.

5 (2) (a) Except as provided in (~~(e)~~) (d) of this subsection, it  
6 is unlawful for any person to knowingly open carry a firearm or other  
7 weapon while knowingly at any permitted demonstration or within any  
8 public park at which appropriate signage has been posted notifying  
9 the public that the open carry of weapons is not permitted within the  
10 park. This subsection (2) (a) applies whether the person carries the  
11 firearm or other weapon on his or her person or in a vehicle.

12 (b) Except as provided in (d) of this subsection, it is unlawful  
13 for any person to knowingly open carry a firearm or other weapon  
14 within any public hospital at which appropriate signage has been  
15 posted notifying the public that the open carry of weapons is not  
16 permitted within the hospital. This subsection (2) (b) applies when  
17 the person carries the firearm or other weapon on his or her person.

18 (c) It is unlawful for any person to knowingly open carry a  
19 firearm or other weapon while knowingly within 250 feet of the  
20 perimeter of a permitted demonstration after a duly authorized state  
21 or local law enforcement officer advises the person of the permitted  
22 demonstration and directs the person to leave until he or she no  
23 longer possesses or controls the firearm or other weapon. This  
24 subsection (2) (~~(b)~~) (c) does not apply to any person possessing or  
25 controlling any firearm or other weapon on private property owned or  
26 leased by that person.

27 (~~(e)~~) (d) Duly authorized federal, state, and local law  
28 enforcement officers and personnel are exempt from the provisions of  
29 this subsection (2) when carrying a firearm or other weapon in  
30 conformance with their employing agency's policy. Members of the  
31 armed forces of the United States or the state of Washington are  
32 exempt from the provisions of this subsection (2) when carrying a  
33 firearm or other weapon in the discharge of official duty or  
34 traveling to or from official duty.

35 (~~(d)~~) (e) For purposes of this subsection, the following  
36 definitions apply:

37 (i) "Permitted demonstration" means either: (A) A gathering for  
38 which a permit has been issued by a federal agency, state agency, or  
39 local government; or (B) a gathering of 15 or more people who are  
40 assembled for a single event at a public place that has been declared

1 as permitted by the chief executive, sheriff, or chief of police of a  
2 local government in which the gathering occurs. A "gathering" means a  
3 demonstration, march, rally, vigil, sit-in, protest, picketing, or  
4 similar public assembly.

5 (ii) "Public hospital" means any hospital owned or operated by  
6 the state or any of its subdivisions, including the University of  
7 Washington. "Public hospital" does not include roads, driveways,  
8 parking lots, or parking garages outside public hospital structures.

9 (iii) "Public park" means any city, town, county, or other  
10 municipality neighborhood, community, or regional park facility at  
11 which children or youth are likely to be present.

12 (iv) "Public place" means any site accessible to the general  
13 public for business, entertainment, or another lawful purpose. A  
14 "public place" includes, but is not limited to, the front, immediate  
15 area, or parking lot of any store, shop, restaurant, tavern, shopping  
16 center, or other place of business; any public building, its grounds,  
17 or surrounding area; or any public parking lot, street, right-of-way,  
18 sidewalk, public park, or other public grounds.

19 ~~((iii))~~ (v) "Weapon" has the same meaning given in subsection  
20 (1)(b) of this section.

21 ~~((e))~~ (f) Nothing in this subsection applies to the lawful  
22 concealed carry of a firearm by a person who has a valid concealed  
23 pistol license.

24 (g) No later than January 1, 2024, all cities, towns, counties,  
25 and other municipalities shall designate all park facilities within  
26 their boundaries where children or youth are likely to be present and  
27 post appropriate signage at reasonable intervals on the perimeter of  
28 each park facility's premises to notify the public that the open  
29 carry of firearms and other weapons is prohibited within the park  
30 facility. Park facilities where children or youth are likely to be  
31 present include, but are not limited to, park facilities that have:  
32 Playgrounds or child play areas; sports fields, sports courts, or  
33 sports facilities; swimming or wading pools, swim beaches, or water  
34 play areas; teen centers, community centers, or performing arts  
35 centers; skateboard parks; or other recreational facilities likely to  
36 be used by children or youth.

37 (h) No later than January 1, 2024, all public hospitals shall  
38 post appropriate signage at the entrances of each public hospital  
39 structure to notify the public that the open carry of firearms and  
40 other weapons is prohibited within public hospitals.

1 (3) Cities, towns, counties, and other municipalities may enact  
2 laws and ordinances:

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

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

12 (i) Any pistol in the possession of a person licensed under RCW  
13 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

14 (ii) Any showing, demonstration, or lecture involving the  
15 exhibition of firearms.

16 (4)(a) Cities, towns, and counties may enact ordinances  
17 restricting the areas in their respective jurisdictions in which  
18 firearms may be sold, but, except as provided in (b) of this  
19 subsection, a business selling firearms may not be treated more  
20 restrictively than other businesses located within the same zone. An  
21 ordinance requiring the cessation of business within a zone shall not  
22 have a shorter grandfather period for businesses selling firearms  
23 than for any other businesses within the zone.

24 (b) Cities, towns, and counties may restrict the location of a  
25 business selling firearms to not less than 500 feet from primary or  
26 secondary school grounds, if the business has a storefront, has hours  
27 during which it is open for business, and posts advertisements or  
28 signs observable to passersby that firearms are available for sale. A  
29 business selling firearms that exists as of the date a restriction is  
30 enacted under this subsection (4)(b) shall be grandfathered according  
31 to existing law.

32 (5) Violations of local ordinances adopted under subsection (3)  
33 of this section must have the same penalty as provided for by state  
34 law.

35 (6) The perimeter of the premises of any specific location  
36 covered by subsection (1) of this section shall be posted at  
37 reasonable intervals to alert the public as to the existence of any  
38 law restricting the possession of firearms on the premises.

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

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

3 (b) Law enforcement personnel, except that subsection (1)(b) of  
4 this section does apply to a law enforcement officer who is present  
5 at a courthouse building as a party to an antiharassment protection  
6 order action or a domestic violence protection order action under  
7 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any  
8 party has alleged the existence of domestic violence as defined in  
9 RCW 7.105.010; or

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

11 (8) Subsection (1)(a), (b), (c), and (e) of this section does not  
12 apply to correctional personnel or community corrections officers, as  
13 long as they are employed as such, who have completed government-  
14 sponsored law enforcement firearms training, except that subsection  
15 (1)(b) of this section does apply to a correctional employee or  
16 community corrections officer who is present at a courthouse building  
17 as a party to an antiharassment protection order action or a domestic  
18 violence protection order action under chapter 7.105 or 10.99 RCW, or  
19 an action under Title 26 RCW where any party has alleged the  
20 existence of domestic violence as defined in RCW 7.105.010.

21 (9) Subsection (1)(a) of this section does not apply to a person  
22 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
23 facility, directly and promptly proceeds to the administrator of the  
24 facility or the administrator's designee and obtains written  
25 permission to possess the firearm while on the premises or checks his  
26 or her firearm. The person may reclaim the firearms upon leaving but  
27 must immediately and directly depart from the place or facility.

28 (10) Subsection (1)(c) of this section does not apply to any  
29 administrator or employee of the facility or to any person who, upon  
30 entering the place or facility, directly and promptly proceeds to the  
31 administrator of the facility or the administrator's designee and  
32 obtains written permission to possess the firearm while on the  
33 premises.

34 (11) Subsection (1)(d) of this section does not apply to the  
35 proprietor of the premises or his or her employees while engaged in  
36 their employment.

37 (12) Government-sponsored law enforcement firearms training must  
38 be training that correctional personnel and community corrections  
39 officers receive as part of their job requirement and reference to

1 such training does not constitute a mandate that it be provided by  
2 the correctional facility.

3 (13) Any person violating subsection (1) or (2) of this section  
4 is guilty of a gross misdemeanor.

5 (14) "Weapon" as used in this section means any firearm,  
6 explosive as defined in RCW 70.74.010, or instrument or weapon listed  
7 in RCW 9.41.250.

8 NEW SECTION. **Sec. 2.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of  
14 the state government and its existing public institutions, and takes  
15 effect immediately.

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