

HOUSE BILL REPORT

HB 2701

As Reported by House Committee On:
Judiciary

Title: An act relating to weapons in commercial service airports.

Brief Description: Prohibiting weapons in restricted access areas of commercial service airports.

Sponsors: Representatives Lovick, Delvin, O'Brien and Buck.

Brief History:

Committee Activity:

Judiciary: 2/3/04, 2/5/04 [DPS].

Brief Summary of Substitute Bill

- Prohibits, with exceptions, the possession of weapons, including firearms, within the restricted access areas of a commercial service airport.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Bill Perry (786-7123).

Background:

Weapons, including firearms, are prohibited statewide in certain designated places. These places are:

- 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; and
- Taverns and other places that are made off-limits to persons under age 21 by liquor control board rules.

Additional rules apply to the prohibition on weapons in court facilities. A local jurisdiction with a court facility is required to provide storage for weapons at court facilities. A locked box must be provided, or an official must be designated, so that a person entering the court facility may check his or her weapon. The local jurisdiction is liable for the loss of or damage

to a weapon left in a locked box or with an official. Local jurisdictions must also post restricted areas of the court facility with notice that weapons are prohibited.

Various "dangerous" weapons, as well as firearms, are generally prohibited on school facilities. In addition, local jurisdictions are authorized to prohibit firearms in a stadium or convention center.

It is a gross misdemeanor to possess a weapon in any of these places. However, certain persons are exempt from some or all of these prohibitions. Law enforcement personnel are exempt from all of the prohibitions. Military or security personnel are also exempt from all of the prohibitions, but only while engaged in official duties.

Summary of Substitute Bill:

Weapons are prohibited in restricted access areas of a commercial airport. Restricted areas are those that are part of an airport security plan approved by the Federal Transportation Security Administration. Restricted areas include passenger screening checkpoints at and beyond the point where passengers initiate the screening process. Restricted areas do not include drives, general parking areas and walkways, shops, and areas normally open to unscreened passengers or visitors. Restricted areas must be designated by signs indicating that weapons are prohibited.

Law enforcement personnel are exempt from the prohibition, as are military and security personnel who are engaged in official duties.

Substitute Bill Compared to Original Bill:

The substitute bill defines restricted areas as part of a federally approved security plan. It also defines a checkpoint as the point at which a passenger initiates a screening and requires that restricted areas be posted.

Appropriation: None.

Fiscal Note: Requested on February 1, 2004.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There is already a federal law prohibiting firearms in these areas, but the federal government does not have personnel available on site at all times. The bill will allow arrests and prosecutions under state law, but more importantly, it will give local police the authority to arrest and detain suspects pending the arrival of federal law enforcement personnel. Currently, local authorities risk some exposure to liability for holding suspects for federal authorities.

Testimony Against: None.

Persons Testifying: Representative Lovick, prime sponsor; Tim Kimsey and Virginia Kirk, Port of Seattle Police Department; Bob Blunk, Transportation Security Administration; Dan LaRoche, Washington Association of Sheriffs and Police Chiefs and Douglas County Sheriff; Joe Waldron, Washington Arms Collectors and Washington State Rifle and Pistol Association; and Brian Judy, National Rifle Association.

Persons Signed In To Testify But Not Testifying: None.