
SENATE BILL 6304

State of Washington 60th Legislature 2008 Regular Session

By Senators Kohl-Welles, Shin, McAuliffe, Fairley, and McDermott

Read first time 01/15/08. Referred to Committee on Higher Education.

1 AN ACT Relating to allowing institutions of higher education to
2 adopt rules regulating firearms on campus; reenacting and amending RCW
3 9.41.300; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington
6 institutions of higher education currently have the general authority
7 to regulate conduct and activities on their campuses. The legislature
8 further finds that, in light of recent violent incidents involving
9 firearms on or near college campuses, it is important to refine the
10 institutions' scope of authority. The legislature intends to clarify
11 its delegation of authority to regulate firearm possession on the
12 campuses of Washington institutions of higher education.

13 **Sec. 2.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each
14 reenacted and amended to read as follows:

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

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

8 (b) Those areas in any building which are used in connection with
9 court proceedings, including courtrooms, jury rooms, judge's chambers,
10 offices and areas used to conduct court business, waiting areas, and
11 corridors adjacent to areas used in connection with court proceedings.
12 The restricted areas do not include common areas of ingress and egress
13 to the building that is used in connection with court proceedings, when
14 it is possible to protect court areas without restricting ingress and
15 egress to the building. The restricted areas shall be the minimum
16 necessary to fulfill the objective of this subsection (1)(b).

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

27 The local judicial authority shall designate and clearly mark those
28 areas where weapons are prohibited, and shall post notices at each
29 entrance to the building of the prohibition against weapons in the
30 restricted areas;

31 (c) The restricted access areas of a public mental health facility
32 certified by the department of social and health services for inpatient
33 hospital care and state institutions for the care of the mentally ill,
34 excluding those facilities solely for evaluation and treatment.
35 Restricted access areas do not include common areas of egress and
36 ingress open to the general public;

37 (d) That portion of an establishment classified by the state liquor

1 control board as off-limits to persons under twenty-one years of age;
2 or

3 (e) The restricted access areas of a commercial service airport
4 designated in the airport security plan approved by the federal
5 transportation security administration, including passenger screening
6 checkpoints at or beyond the point at which a passenger initiates the
7 screening process. These areas do not include airport drives, general
8 parking areas and walkways, and shops and areas of the terminal that
9 are outside the screening checkpoints and that are normally open to
10 unscreened passengers or visitors to the airport. Any restricted
11 access area shall be clearly indicated by prominent signs indicating
12 that firearms and other weapons are prohibited in the area.

13 (2) Institutions of higher education, as defined in RCW
14 28B.10.016(4), may adopt rules:

15 (a) Restricting or prohibiting the discharge of firearms in any
16 institutionally owned or controlled lands, buildings, or facilities; or

17 (b) Restricting or prohibiting the possession of firearms in any
18 institutionally owned or controlled lands, buildings, or facilities.

19 (3) Cities, towns, counties, and other municipalities may enact
20 laws and ordinances:

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

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

30 (i) Any pistol in the possession of a person licensed under RCW
31 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

32 (ii) Any showing, demonstration, or lecture involving the
33 exhibition of firearms.

34 (~~(3)~~) (4)(a) Cities, towns, and counties may enact ordinances
35 restricting the areas in their respective jurisdictions in which
36 firearms may be sold, but, except as provided in (b) of this
37 subsection, a business selling firearms may not be treated more
38 restrictively than other businesses located within the same zone. An

1 ordinance requiring the cessation of business within a zone shall not
2 have a shorter grandfather period for businesses selling firearms than
3 for any other businesses within the zone.

4 (b) Cities, towns, and counties may restrict the location of a
5 business selling firearms to not less than five hundred feet from
6 primary or secondary school grounds, if the business has a storefront,
7 has hours during which it is open for business, and posts
8 advertisements or signs observable to passersby that firearms are
9 available for sale. A business selling firearms that exists as of the
10 date a restriction is enacted under this subsection (~~(3)~~) (4)(b)
11 shall be grandfathered according to existing law.

12 (~~(4)~~) (5) Violations of local ordinances adopted under subsection
13 (2) or (3) of this section must have the same penalty as provided for
14 by state law.

15 (~~(5)~~) (6) The perimeter of the premises of any specific location
16 covered by subsection (1) or (2) of this section shall be posted at
17 reasonable intervals to alert the public as to the existence of any law
18 restricting the possession of firearms on the premises.

19 (~~(6)~~) (7) Subsection (1) or (2) of this section does not apply
20 to:

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

23 (b) Law enforcement personnel, except that subsection (1)(b) of
24 this section does apply to a law enforcement officer who is present at
25 a courthouse building as a party to an action under chapter 10.14,
26 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
27 has alleged the existence of domestic violence as defined in RCW
28 26.50.010; or

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

30 (~~(7)~~) (8) Subsection (1)(a) of this section does not apply to a
31 person licensed pursuant to RCW 9.41.070 who, upon entering the place
32 or facility, directly and promptly proceeds to the administrator of the
33 facility or the administrator's designee and obtains written permission
34 to possess the firearm while on the premises or checks his or her
35 firearm. The person may reclaim the firearms upon leaving but must
36 immediately and directly depart from the place or facility.

37 (~~(8)~~) (9) Subsection (1)(c) of this section does not apply to any
38 administrator or employee of the facility or to any person who, upon

1 entering the place or facility, directly and promptly proceeds to the
2 administrator of the facility or the administrator's designee and
3 obtains written permission to possess the firearm while on the
4 premises.

5 ~~((+9))~~ (10) Subsection (1)(d) of this section does not apply to
6 the proprietor of the premises or his or her employees while engaged in
7 their employment.

8 ~~((+10))~~ (11) Any person violating subsection (1) of this section
9 is guilty of a gross misdemeanor.

10 ~~((+11))~~ (12) "Weapon" as used in this section means any firearm,
11 explosive as defined in RCW 70.74.010, or instrument or weapon listed
12 in RCW 9.41.250.

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