
SENATE BILL 5739

State of Washington 63rd Legislature 2013 Regular Session

By Senators Murray, Kohl-Welles, and Kline

Read first time 02/13/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to promoting public safety by expanding local
2 authority to enact ordinances restricting firearms in parks and
3 recreational facilities; and amending RCW 9.41.300.

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

5 **Sec. 1.** RCW 9.41.300 and 2011 c 221 s 2 are each amended to read
6 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 enforcement
11 facility, or any place used for the confinement of a person (i)
12 arrested for, charged with, or convicted of an offense, (ii) held for
13 extradition or as a material witness, or (iii) otherwise confined
14 pursuant to an order of a court, except an order under chapter 13.32A
15 or 13.34 RCW. Restricted access areas do not include common areas of
16 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 chambers,
19 offices and areas used to conduct court business, waiting areas, and

1 corridors adjacent to areas used in connection with court proceedings.
2 The restricted areas do not include common areas of ingress and egress
3 to the building that is used in connection with court proceedings, when
4 it is possible to protect court areas without restricting ingress and
5 egress to the building. The restricted areas shall be the minimum
6 necessary to fulfill the objective of this subsection (1)(b).

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

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

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

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

33 (d) That portion of an establishment classified by the state liquor
34 control board as off-limits to persons under twenty-one years of age;
35 or

36 (e) The restricted access areas of a commercial service airport
37 designated in the airport security plan approved by the federal
38 transportation security administration, including passenger screening

1 checkpoints at or beyond the point at which a passenger initiates the
2 screening process. These areas do not include airport drives, general
3 parking areas and walkways, and shops and areas of the terminal that
4 are outside the screening checkpoints and that are normally open to
5 unscreened passengers or visitors to the airport. Any restricted
6 access area shall be clearly indicated by prominent signs indicating
7 that firearms and other weapons are prohibited in the area.

8 (2) Cities, towns, counties, and other municipalities may enact
9 laws and ordinances:

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

16 (b) Restricting the possession of firearms in any stadium ~~((or))~~,
17 convention center, park, or facility being used for public recreational
18 purposes, operated by a city, town, county, or other municipality,
19 except that such restrictions shall not apply to:

20 (i) Any pistol in the possession of a person licensed under RCW
21 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

22 (ii) Any showing, demonstration, or lecture involving the
23 exhibition of firearms; and

24 (c) To alert the public as to the existence of any ordinance
25 restricting the possession of firearms, a city, town, county, or
26 municipality exercising authority under (b) of this subsection shall
27 clearly indicate those areas where firearms are prohibited and shall
28 post prominent signs in prohibited areas, including at each entrance to
29 any building where firearms are prohibited.

30 (3)(a) Cities, towns, and counties may enact ordinances restricting
31 the areas in their respective jurisdictions in which firearms may be
32 sold, but, except as provided in (b) of this subsection, a business
33 selling firearms may not be treated more restrictively than other
34 businesses located within the same zone. An ordinance requiring the
35 cessation of business within a zone shall not have a shorter
36 grandfather period for businesses selling firearms than for any other
37 businesses within the zone.

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

9 (4) Violations of local ordinances adopted under subsection (2) of
10 this section must have the same penalty as provided for by state law.

11 (5) The perimeter of the premises of any specific location covered
12 by subsection (1) of this section shall be posted at reasonable
13 intervals to alert the public as to the existence of any law
14 restricting the possession of firearms on the premises.

15 (6) Subsection (1) of this section does not apply to:

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

18 (b) Law enforcement personnel, except that subsection (1)(b) of
19 this section does apply to a law enforcement officer who is present at
20 a courthouse building as a party to an action under chapter 10.14,
21 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
22 has alleged the existence of domestic violence as defined in RCW
23 26.50.010; or

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

25 (7) Subsection (1)(a), (b), (c), and (e) of this section does not
26 apply to correctional personnel or community corrections officers, as
27 long as they are employed as such, who have completed government-
28 sponsored law enforcement firearms training, except that subsection
29 (1)(b) of this section does apply to a correctional employee or
30 community corrections officer who is present at a courthouse building
31 as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an
32 action under Title 26 RCW where any party has alleged the existence of
33 domestic violence as defined in RCW 26.50.010.

34 (8) Subsection (1)(a) of this section does not apply to a person
35 licensed pursuant to RCW 9.41.070 who, upon entering the place or
36 facility, directly and promptly proceeds to the administrator of the
37 facility or the administrator's designee and obtains written permission

1 to possess the firearm while on the premises or checks his or her
2 firearm. The person may reclaim the firearms upon leaving but must
3 immediately and directly depart from the place or facility.

4 (9) Subsection (1)(c) of this section does not apply to any
5 administrator or employee of the facility or to any person who, upon
6 entering the place or facility, directly and promptly proceeds to the
7 administrator of the facility or the administrator's designee and
8 obtains written permission to possess the firearm while on the
9 premises.

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

13 (11) Government-sponsored law enforcement firearms training must be
14 training that correctional personnel and community corrections officers
15 receive as part of their job requirement and reference to such training
16 does not constitute a mandate that it be provided by the correctional
17 facility.

18 (12) Any person violating subsection (1) of this section is guilty
19 of a gross misdemeanor.

20 (13) "Weapon" as used in this section means any firearm, explosive
21 as defined in RCW 70.74.010, or instrument or weapon listed in RCW
22 9.41.250.

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