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**SUBSTITUTE SENATE BILL 5434**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Wilson, C., Hunt, Keiser, Kuderer, Nguyen, and Pedersen)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to restricting possession of weapons in certain  
2 locations; reenacting and amending RCW 9.41.300; adding a new section  
3 to chapter 9.41 RCW; adding new sections to chapter 43.216 RCW; and  
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
7 to read as follows:

8 (1) It is unlawful for a person to carry onto, or to possess on,  
9 licensed child care center premises, child care center-provided  
10 transportation, or areas of facilities while being used exclusively  
11 by a child care center:

12 (a) Any firearm;

13 (b) Any other dangerous weapon as described in RCW 9.41.250;

14 (c) Any air gun, including any air pistol or air rifle, designed  
15 to propel a BB, pellet, or other projectile by the discharge of  
16 compressed air, carbon dioxide, or other gas; or

17 (d) (i) Any portable device manufactured to function as a weapon  
18 and which is commonly known as a stun gun, including a projectile  
19 stun gun that projects wired probes that are attached to the device  
20 that emit an electrical charge designed to administer to a person or  
21 an animal an electric shock, charge, or impulse; or

1 (ii) Any device, object, or instrument that is used or intended  
2 to be used as a weapon with the intent to injure a person by an  
3 electric shock, charge, or impulse.

4 (2) A person who violates subsection (1) of this section is  
5 guilty of a gross misdemeanor. If a person is convicted of a  
6 violation of subsection (1)(a) of this section, the person shall have  
7 his or her concealed pistol license, if any, revoked for a period of  
8 three years. Anyone convicted under subsection (1)(a) of this section  
9 is prohibited from applying for a concealed pistol license for a  
10 period of three years from the date of conviction. The court shall  
11 send notice of the concealed pistol license revocation to the  
12 department of licensing and the city, town, or county that issued the  
13 concealed pistol license.

14 (3) Subsection (1) of this section does not apply to:

15 (a) Family day care provider homes as defined in RCW 43.216.010;

16 (b) Any person at least eighteen years of age legally in  
17 possession of a firearm or dangerous weapon that is secured within an  
18 attended vehicle or concealed from view within a locked unattended  
19 vehicle while conducting legitimate business at the child care  
20 center; or

21 (c) Any law enforcement officer of a federal, state, or local  
22 government agency.

23 (4) Child care centers must post "GUN-FREE ZONE" signs giving  
24 warning of the prohibition of the possession of firearms on center  
25 premises.

26 (5) A child care center that is located on public or private  
27 elementary or secondary school premises is subject to the  
28 requirements of RCW 9.41.280.

29 (6) For the purposes of this section, child care center has the  
30 same meaning as "child day care center" as defined in RCW 43.216.010.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216  
32 RCW to read as follows:

33 (1) Every child day care center and early childhood education and  
34 assistance program provider is subject to section 1 of this act.

35 (2)(a) A family day care provider must store any firearm,  
36 ammunition, or other dangerous weapon as described in RCW 9.41.250 in  
37 a secure area when children are present on the premises.

38 (b) The secure area must be inaccessible to children and must  
39 consist of a locked gun safe or a locked room. If stored in a locked

1 room, each firearm must be stored unloaded and with a trigger lock or  
2 other disabling feature.

3 (3) The department may deny, suspend, revoke, modify or not renew  
4 the license of a child care provider in violation of this section.

5 **Sec. 3.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007  
6 are 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  
22 ingress and egress to the building that is used in connection with  
23 court proceedings, when it is possible to protect court areas without  
24 restricting ingress and egress to the building. The restricted areas  
25 shall be the minimum necessary to fulfill the objective of this  
26 subsection (1)(b).

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

33 In addition, the local legislative authority shall provide either  
34 a stationary locked box sufficient in size for pistols and key to a  
35 weapon owner for weapon storage, or shall designate an official to  
36 receive weapons for safekeeping, during the owner's visit to  
37 restricted areas of the building. The locked box or designated  
38 official shall be located within the same building used in connection  
39 with court proceedings. The local legislative authority shall be

1 liable for any negligence causing damage to or loss of a weapon  
2 either placed in a locked box or left with an official during the  
3 owner's visit to restricted areas of the building.

4 The local judicial authority shall designate and clearly mark  
5 those areas where weapons are prohibited, and shall post notices at  
6 each entrance to the building of the prohibition against weapons in  
7 the restricted areas;

8 (c) The restricted access areas of a public mental health  
9 facility licensed or certified by the department of health for  
10 inpatient hospital care and state institutions for the care of the  
11 mentally ill, excluding those facilities solely for evaluation and  
12 treatment. Restricted access areas do not include common areas of  
13 egress and ingress open to the general public;

14 (d) That portion of an establishment classified by the state  
15 liquor and cannabis board as off-limits to persons under twenty-one  
16 years of age; or

17 (e) The restricted access areas of a commercial service airport  
18 designated in the airport security plan approved by the federal  
19 transportation security administration, including passenger screening  
20 checkpoints at or beyond the point at which a passenger initiates the  
21 screening process. These areas do not include airport drives, general  
22 parking areas and walkways, and shops and areas of the terminal that  
23 are outside the screening checkpoints and that are normally open to  
24 unscreened passengers or visitors to the airport. Any restricted  
25 access area shall be clearly indicated by prominent signs indicating  
26 that firearms and other weapons are prohibited in the area.

27 (2) Cities, towns, counties, and other municipalities may enact  
28 laws and ordinances:

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

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

38 (i) Any pistol in the possession of a person licensed under RCW  
39 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

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

3 (c) Restricting the possession of firearms in a park or park  
4 facility operated or maintained by a city, town, county, or  
5 municipality so long as:

6 (i) Signs on the perimeter of the premises of any park facility  
7 are posted at reasonable intervals to alert the public as to the  
8 existence of any law or ordinance restricting the possession of  
9 firearms on the premises; and

10 (ii) The law or ordinance does not apply to persons listed in  
11 subsection (6) of this section.

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

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

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

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

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

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

38 (b) Law enforcement personnel, except that subsection (1)(b) of  
39 this section does apply to a law enforcement officer who is present  
40 at a courthouse building as a party to an action under chapter 10.14,

1 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
2 has alleged the existence of domestic violence as defined in RCW  
3 26.50.010; or

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

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

14 (8) Subsection (1)(a) of this section does not apply to a person  
15 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
16 facility, directly and promptly proceeds to the administrator of the  
17 facility or the administrator's designee and obtains written  
18 permission to possess the firearm while on the premises or checks his  
19 or her firearm. The person may reclaim the firearms upon leaving but  
20 must immediately and directly depart from the place or facility.

21 (9) Subsection (1)(c) of this section does not apply to any  
22 administrator or employee of the facility or to any person who, upon  
23 entering the place or facility, directly and promptly proceeds to the  
24 administrator of the facility or the administrator's designee and  
25 obtains written permission to possess the firearm while on the  
26 premises.

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

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

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

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

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 43.216  
2    RCW to read as follows:  
3        The department must adopt rules to implement sections 1 and 2 of  
4    this act.

--- **END** ---