
SENATE BILL 6351

State of Washington 64th Legislature 2016 Regular Session

By Senators Habib, McAuliffe, Carlyle, Jayapal, Keiser, Rolfes,
Darneille, Frockt, Chase, and Pedersen

Read first time 01/18/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to providing local authorities with the authority
2 to regulate firearms in certain public places; and amending RCW
3 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
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 slung shot, sand club, or metal knuckles, or
9 any 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 certified by the department of social and health services
28 for inpatient hospital care and state institutions for the care of
29 the mentally ill, excluding those facilities solely for evaluation
30 and 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 (~~control~~) and cannabis board as off-limits to persons under
34 twenty-one years of 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) Cities, towns, counties, and other municipalities may enact
6 laws and ordinances:

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

13 (b) Restricting the possession of firearms in any designated
14 public park space and recreational facility. For purposes of this
15 subsection (2), "public park space and recreational facility" means
16 public areas and buildings permanently dedicated to recreational,
17 aesthetic, educational, or cultural use; and

18 (c) Restricting the possession of firearms in any stadium or
19 convention center, operated by a city, town, county, or other
20 municipality, except that such restrictions shall not apply to:

21 (i) Any pistol in the possession of a person licensed under RCW
22 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

23 (ii) Any showing, demonstration, or lecture involving the
24 exhibition of firearms.

25 (3) Cities, towns, counties, municipal corporations, and the
26 governing body of any public transportation authority may enact laws
27 and rules restricting the possession of firearms on any mode of
28 public transportation, including buses, streetcars, trains, electric
29 trolley coaches, any other public transit vehicles, and any
30 associated transit facilities. For purposes of this subsection,
31 "transit facility" means all passenger facilities, structures, or
32 shelters that are owned, leased, held, or used by a transit authority
33 for the purpose of providing public transportation services.

34 (4) Cities, towns, counties, municipal corporations, and the
35 governing body of any public library may enact laws and rules
36 restricting the possession of firearms on the premises of any library
37 established or maintained pursuant to the authority of chapter 27.12
38 RCW.

39 (5)(a) Cities, towns, and counties may enact ordinances
40 restricting the areas in their respective jurisdictions in which

1 firearms may be sold, but, except as provided in (b) of this
2 subsection, a business selling firearms may not be treated more
3 restrictively than other businesses located within the same zone. An
4 ordinance requiring the cessation of business within a zone shall not
5 have a shorter grandfather period for businesses selling firearms
6 than for any other businesses within the zone.

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

15 ~~((+4+))~~ (6) Violations of local ordinances adopted under
16 subsections (2) through (4) of this section must have the same
17 penalty as provided for by state law.

18 ~~((+5+))~~ (7) The perimeter of the premises of any specific
19 location covered by subsection (1) of this section shall be posted at
20 reasonable intervals to alert the public as to the existence of any
21 law restricting the possession of firearms on the premises.

22 ~~((+6+))~~ (8) Subsection (1) of this section does not apply to:

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

25 (b) Law enforcement personnel, except that subsection (1)(b) of
26 this section does apply to a law enforcement officer who is present
27 at a courthouse building as a party to an action under chapter 10.14,
28 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
29 has alleged the existence of domestic violence as defined in RCW
30 26.50.010; or

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

32 ~~((+7+))~~ (9) Subsection (1)(a), (b), (c), and (e) of this section
33 does not apply to correctional personnel or community corrections
34 officers, as long as they are employed as such, who have completed
35 government-sponsored law enforcement firearms training, except that
36 subsection (1)(b) of this section does apply to a correctional
37 employee or community corrections officer who is present at a
38 courthouse building as a party to an action under chapter 10.14,
39 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party

1 has alleged the existence of domestic violence as defined in RCW
2 26.50.010.

3 ~~((+8))~~ (10) Subsection (1)(a) of this section does not apply to
4 a person licensed pursuant to RCW 9.41.070 who, upon entering the
5 place or facility, directly and promptly proceeds to the
6 administrator of the facility or the administrator's designee and
7 obtains written permission to possess the firearm while on the
8 premises or checks his or her firearm. The person may reclaim the
9 firearms upon leaving but must immediately and directly depart from
10 the place or facility.

11 ~~((+9))~~ (11) Subsection (1)(c) of this section does not apply to
12 any administrator or employee of the facility or to any person who,
13 upon entering the place or facility, directly and promptly proceeds
14 to the administrator of the facility or the administrator's designee
15 and obtains written permission to possess the firearm while on the
16 premises.

17 ~~((+10))~~ (12) Subsection (1)(d) of this section does not apply to
18 the proprietor of the premises or his or her employees while engaged
19 in their employment.

20 ~~((+11))~~ (13) Government-sponsored law enforcement firearms
21 training must be training that correctional personnel and community
22 corrections officers receive as part of their job requirement and
23 reference to such training does not constitute a mandate that it be
24 provided by the correctional facility.

25 ~~((+12))~~ (14) Any person violating subsection (1) of this section
26 is guilty of a gross misdemeanor.

27 ~~((+13))~~ (15) "Weapon" as used in this section means any firearm,
28 explosive as defined in RCW 70.74.010, or instrument or weapon listed
29 in RCW 9.41.250.

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