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HOUSE BILL 2460

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State of Washington

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By Representatives Walkinshaw, Jenkins, Robinson, Pollet, Moscoso, Appleton, Tharinger, Senn, Cody, Farrell, Goodman, Tarleton, Kagi, Fitzgibbon, Reykdal, Frame, and Moeller

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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