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HOUSE BILL 2124

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State of Washington

66th Legislature

2019 Regular Session

By Representative Dufault

1 AN ACT Relating to exempting concealed pistol license holders  
2 from restrictions on possession of firearms in certain locations;  
3 amending RCW 9.41.280 and 70.108.150; and reenacting and amending RCW  
4 9.41.300.

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

6 **Sec. 1.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended  
7 to read as follows:

8 (1) It is unlawful for a person to carry onto, or to possess on,  
9 public or private elementary or secondary school premises, school-  
10 provided transportation, or areas of facilities while being used  
11 exclusively by public or private schools:

12 (a) Any firearm;

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

14 (c) Any device commonly known as "nun-chu-ka sticks," consisting  
15 of two or more lengths of wood, metal, plastic, or similar substance  
16 connected with wire, rope, or other means;

17 (d) Any device, commonly known as "throwing stars," which are  
18 multipointed, metal objects designed to embed upon impact from any  
19 aspect;

1 (e) Any air gun, including any air pistol or air rifle, designed  
2 to propel a BB, pellet, or other projectile by the discharge of  
3 compressed air, carbon dioxide, or other gas; or

4 (f)(i) Any portable device manufactured to function as a weapon  
5 and which is commonly known as a stun gun, including a projectile  
6 stun gun which projects wired probes that are attached to the device  
7 that emit an electrical charge designed to administer to a person or  
8 an animal an electric shock, charge, or impulse; or

9 (ii) Any device, object, or instrument which is used or intended  
10 to be used as a weapon with the intent to injure a person by an  
11 electric shock, charge, or impulse.

12 (2) Any such person violating subsection (1) of this section is  
13 guilty of a gross misdemeanor. If any person is convicted of a  
14 violation of subsection (1)(a) of this section, the person shall have  
15 his or her concealed pistol license, if any revoked for a period of  
16 three years. Anyone convicted under this subsection is prohibited  
17 from applying for a concealed pistol license for a period of three  
18 years. The court shall send notice of the revocation to the  
19 department of licensing, and the city, town, or county which issued  
20 the license.

21 Any violation of subsection (1) of this section by elementary or  
22 secondary school students constitutes grounds for expulsion from the  
23 state's public schools in accordance with RCW 28A.600.010. An  
24 appropriate school authority shall promptly notify law enforcement  
25 and the student's parent or guardian regarding any allegation or  
26 indication of such violation.

27 Upon the arrest of a person at least twelve years of age and not  
28 more than twenty-one years of age for violating subsection (1)(a) of  
29 this section, the person shall be detained or confined in a juvenile  
30 or adult facility for up to seventy-two hours. The person shall not  
31 be released within the seventy-two hours until after the person has  
32 been examined and evaluated by the designated crisis responder unless  
33 the court in its discretion releases the person sooner after a  
34 determination regarding probable cause or on probation bond or bail.

35 Within twenty-four hours of the arrest, the arresting law  
36 enforcement agency shall refer the person to the designated crisis  
37 responder for examination and evaluation under chapter 71.05 or 71.34  
38 RCW and inform a parent or guardian of the person of the arrest,  
39 detention, and examination. The designated crisis responder shall  
40 examine and evaluate the person subject to the provisions of chapter

1 71.05 or 71.34 RCW. The examination shall occur at the facility in  
2 which the person is detained or confined. If the person has been  
3 released on probation, bond, or bail, the examination shall occur  
4 wherever is appropriate.

5 Upon completion of any examination by the designated crisis  
6 responder, the results of the examination shall be sent to the court,  
7 and the court shall consider those results in making any  
8 determination about the person.

9 The designated crisis responder shall, to the extent permitted by  
10 law, notify a parent or guardian of the person that an examination  
11 and evaluation has taken place and the results of the examination.  
12 Nothing in this subsection prohibits the delivery of additional,  
13 appropriate mental health examinations to the person while the person  
14 is detained or confined.

15 If the designated crisis responder determines it is appropriate,  
16 the designated crisis responder may refer the person to the local  
17 behavioral health organization for follow-up services or the  
18 (~~department of social and health services~~) health care authority or  
19 other community providers for other services to the family and  
20 individual.

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

22 (a) Any student or employee of a private military academy when on  
23 the property of the academy;

24 (b) Any person engaged in military, law enforcement, or school  
25 district security activities. However, a person who is not a  
26 commissioned law enforcement officer and who provides school security  
27 services under the direction of a school administrator may not  
28 possess a device listed in subsection (1)(f) of this section unless  
29 he or she has successfully completed training in the use of such  
30 devices that is equivalent to the training received by commissioned  
31 law enforcement officers;

32 (c) Any person who is involved in a convention, showing,  
33 demonstration, lecture, or firearms safety course authorized by  
34 school authorities in which the firearms of collectors or instructors  
35 are handled or displayed;

36 (d) Any person while the person is participating in a firearms or  
37 air gun competition approved by the school or school district;

38 (e) Any person in possession of a pistol who has been issued a  
39 license under RCW 9.41.070, or is exempt from the licensing

1 requirement by RCW 9.41.060(~~(, while picking up or dropping off a~~  
2 ~~student))~~);

3 (f) Any nonstudent at least eighteen years of age legally in  
4 possession of a firearm or dangerous weapon that is secured within an  
5 attended vehicle or concealed from view within a locked unattended  
6 vehicle while conducting legitimate business at the school;

7 (g) Any nonstudent at least eighteen years of age who is in  
8 lawful possession of an unloaded firearm, secured in a vehicle while  
9 conducting legitimate business at the school; or

10 (h) Any law enforcement officer of the federal, state, or local  
11 government agency.

12 (4) Subsections (1)(c) and (d) of this section do not apply to  
13 any person who possesses nun-chu-ka sticks, throwing stars, or other  
14 dangerous weapons to be used in martial arts classes authorized to be  
15 conducted on the school premises.

16 (5) Subsection (1)(f)(i) of this section does not apply to any  
17 person who possesses a device listed in subsection (1)(f)(i) of this  
18 section, if the device is possessed and used solely for the purpose  
19 approved by a school for use in a school authorized event, lecture,  
20 or activity conducted on the school premises.

21 (6) Except as provided in subsection (3)(b), (c), (e), (f), and  
22 (h) of this section, firearms are not permitted in a public or  
23 private school building.

24 (7) "GUN-FREE ZONE" signs shall be posted around school  
25 facilities giving warning of the prohibition of the possession of  
26 firearms on school grounds.

27 **Sec. 2.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007  
28 are each reenacted and amended to read as follows:

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

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

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

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

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  
21 restricted areas of the building. The locked box or designated  
22 official shall be located within the same building used in connection  
23 with court proceedings. The local legislative authority shall be  
24 liable for any negligence causing damage to or loss of a weapon  
25 either placed in a locked box or left with an official during the  
26 owner's visit to restricted areas of the building.

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

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

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

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

11 (2) Cities, towns, counties, and other municipalities may enact  
12 laws and ordinances:

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

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

22 (i) Any pistol in the possession of a person licensed under RCW  
23 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

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

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

34 (b) Cities, towns, and counties may restrict the location of a  
35 business selling firearms to not less than five hundred feet from  
36 primary or secondary school grounds, if the business has a  
37 storefront, has hours during which it is open for business, and posts  
38 advertisements or signs observable to passersby that firearms are  
39 available for sale. A business selling firearms that exists as of the

1 date a restriction is enacted under this subsection (3)(b) shall be  
2 grandfathered according to existing law.

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

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

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

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

13 (b) Law enforcement personnel, except that subsection (1)(b) of  
14 this section does apply to a law enforcement officer who is present  
15 at a courthouse building as a party to an action under chapter 10.14,  
16 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
17 has alleged the existence of domestic violence as defined in RCW  
18 26.50.010; or

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

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

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

36 (9) Subsection (1)(c) of this section does not apply to any  
37 administrator or employee of the facility or to any person who, upon  
38 entering the place or facility, directly and promptly proceeds to the  
39 administrator of the facility or the administrator's designee and

1 obtains written permission to possess the firearm while on the  
2 premises.

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

4 (a) The proprietor of the premises or his or her employees while  
5 engaged in their employment; or

6 (b) Any person in possession of a pistol who has been issued a  
7 license under RCW 9.41.070, or is exempt from the licensing  
8 requirement under RCW 9.41.060.

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

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

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

19 **Sec. 3.** RCW 70.108.150 and 2012 c 117 s 424 are each amended to  
20 read as follows:

21 (1) Except as provided in subsection (3) of this section, it  
22 shall be unlawful for any person, except law enforcement officers, to  
23 carry, transport, or convey, or to have in his or her possession or  
24 under his or her control any firearm while on the site of an outdoor  
25 music festival.

26 (2) Any person violating the provisions of this section shall be  
27 guilty of a misdemeanor and upon conviction thereof shall be punished  
28 by a fine of not less than one hundred dollars and not more than two  
29 hundred dollars or by imprisonment in the county jail for not less  
30 than ten days and not more than ninety days or by both such fine and  
31 imprisonment.

32 (3) This section does not apply to any person in possession of a  
33 pistol who has been issued a license under RCW 9.41.070, or is exempt  
34 from the licensing requirement under RCW 9.41.060.

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