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ENGROSSED 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; adding a new section to chapter 9.41 RCW; adding new  
3 sections to chapter 43.216 RCW; and prescribing penalties.

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

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

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

11 (a) Any firearm;

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

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

16 (d) (i) Any portable device manufactured to function as a weapon  
17 and which is commonly known as a stun gun, including a projectile  
18 stun gun that projects wired probes that are attached to the device  
19 that emit an electrical charge designed to administer to a person or  
20 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 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.216  
6 RCW to read as follows:

7 The department must adopt rules to implement sections 1 and 2 of  
8 this act.

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