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**ENGROSSED SUBSTITUTE SENATE BILL 5434**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

**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 order the person to immediately surrender any concealed pistol  
12 license, and within three business days notify the department of  
13 licensing in writing of the required revocation of any concealed  
14 pistol license held by the person. Upon receipt of the notification  
15 by the court, the department of licensing shall determine if the  
16 person has a concealed pistol license. If the person does have a  
17 concealed pistol license, the department of licensing shall  
18 immediately notify the license-issuing authority which, upon receipt  
19 of the notification, shall immediately revoke the license.

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

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

22 (b) Any person in possession of a pistol who has been issued a  
23 license under RCW 9.41.070, or is exempt from the licensing  
24 requirement by RCW 9.41.060, while picking up or dropping off a child  
25 at the child care center;

26 (c) Any person at least eighteen years of age legally in  
27 possession of a firearm or dangerous weapon that is secured within an  
28 attended vehicle or concealed from view within a locked unattended  
29 vehicle while conducting legitimate business at the child care  
30 center; or

31 (d) Any law enforcement officer of a federal, state, or local  
32 government agency.

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

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

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

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

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

5        (2)(a) A family day care provider must store any firearm,  
6    ammunition, or other dangerous weapon as described in RCW 9.41.250 in  
7    a secure area when children for whom the family day care provider is  
8    licensed to provide care are present on the premises.

9        (b) The secure area must be inaccessible to children and must  
10   consist of a locked gun safe or a locked room. If stored in a locked  
11   room, each firearm must be stored unloaded and with a trigger lock or  
12   other disabling feature.

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

15       NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.216  
16   RCW to read as follows:

17       The department must adopt rules to implement sections 1 and 2 of  
18   this act.

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