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HOUSE BILL 1630

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, and Walen

Prefiled 12/10/21.

1 AN ACT Relating to establishing restrictions on the possession of  
2 weapons in certain locations; amending RCW 9.41.280 and 9.41.305; and  
3 declaring an emergency.

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

5 **Sec. 1.** RCW 9.41.280 and 2019 c 325 s 5001 are each amended to  
6 read as follows:

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

13 (a) Any firearm;

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

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

18 (d) Any device, commonly known as "throwing stars," which are  
19 multipointed, metal objects designed to embed upon impact from any  
20 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 administrative services organization for follow-up  
18 services or other community providers for other services to the  
19 family and individual.

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

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

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

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

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

37 (e) Any person in possession of a pistol who has been issued a  
38 license under RCW 9.41.070, or is exempt from the licensing  
39 requirement by RCW 9.41.060, while picking up or dropping off a  
40 student;

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

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

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

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

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

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

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

25 **Sec. 2.** RCW 9.41.305 and 2021 c 261 s 2 are each amended to read  
26 as follows:

27 (1) Unless exempt under subsection (~~((4))~~) (3) of this section,  
28 it is unlawful for any person to knowingly open carry a firearm or  
29 other weapon, as defined in RCW 9.41.300(1)(b), while knowingly being  
30 in the following locations:

31 (a) The west state capitol campus grounds; any buildings on the  
32 state capitol grounds; any state legislative office; or any location  
33 of a public state legislative hearing or meeting during the hearing  
34 or meeting; or

35 (b) City, town, county, or other municipality buildings used in  
36 connection with meetings of the governing body of the city, town,  
37 county, or other municipality, or any location of a public meeting or  
38 hearing of the governing body of a city, town, county, or other  
39 municipality during the hearing or meeting.

1       (2) For the purposes of this section:

2       (a) "Buildings on the state capitol grounds" means the following  
3 buildings located on the state capitol grounds, commonly known as  
4 Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg,  
5 Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance,  
6 Governor's Mansion, Visitor Information Center, Carlyon House, Ayer  
7 House, General Administration, 1500 Jefferson, James M. Dolliver, Old  
8 Capitol, Capitol Court, State Archives, Natural Resources, Office  
9 Building #2, Highway-License, Transportation, Employment Security,  
10 Child Care Center, Union Avenue, Washington Street, Professional  
11 Arts, State Farm, and Powerhouse Buildings.

12       ~~((3))~~ (b) "Governing body" has the same meaning as in RCW  
13 42.30.020.

14       (c) "West state capitol campus grounds" means areas of the campus  
15 south of Powerhouse Rd. SW, south of Union Avenue SW as extended  
16 westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th  
17 Avenue SW between Capitol Way S. and Water Street SW, west of Water  
18 Street between 15th Avenue SW and 16th Avenue SW, north of 16th  
19 Avenue SW between Water Street SW and the east banks of Capitol Lake,  
20 and east of the banks of Capitol Lake.

21       ~~((4))~~ (3) Duly authorized federal, state, or local law  
22 enforcement officers or personnel are exempt from this section when  
23 carrying a firearm or other weapon in conformance with their  
24 employing agency's policy. Members of the armed forces of the United  
25 States or the state of Washington are exempt from this section when  
26 carrying a firearm or other weapon in the discharge of official duty  
27 or traveling to or from official duty.

28       ~~((5))~~ (4) A person violating this section is guilty of a gross  
29 misdemeanor.

30       ~~((6))~~ (5) Nothing in this section applies to the lawful  
31 concealed carry of a firearm by a person who has a valid concealed  
32 pistol license.

33       NEW SECTION.   **Sec. 3.** This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of  
35 the state government and its existing public institutions, and takes  
36 effect immediately.

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