
HOUSE BILL 1195

State of Washington

68th Legislature

2023 Regular Session

By Representatives Senn and Riccelli

1 AN ACT Relating to prohibiting the open carry of certain weapons
2 in public parks and public hospitals; reenacting and amending RCW
3 9.41.300; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.41.300 and 2021 c 261 s 1 and 2021 c 215 s 96 are
6 each reenacted and amended to read 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 slungshot, sand club, or metal knuckles, or any
9 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 licensed or certified by the department of health for
28 inpatient hospital care and state institutions for the care of the
29 mentally ill, excluding those facilities solely for evaluation and
30 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 and cannabis board as off-limits to persons under 21 years of
34 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) (a) Except as provided in (~~(e)~~) (d) of this subsection, it
6 is unlawful for any person to knowingly open carry a firearm or other
7 weapon while knowingly at any permitted demonstration or within any
8 public park at which appropriate signage has been posted notifying
9 the public that the open carry of weapons is not permitted within the
10 park. This subsection (2) (a) applies whether the person carries the
11 firearm or other weapon on his or her person or in a vehicle.

12 (b) Except as provided in (d) of this subsection, it is unlawful
13 for any person to knowingly open carry a firearm or other weapon
14 within any public hospital at which appropriate signage has been
15 posted notifying the public that the open carry of weapons is not
16 permitted within the hospital. This subsection (2) (b) applies when
17 the person carries the firearm or other weapon on his or her person.

18 (c) It is unlawful for any person to knowingly open carry a
19 firearm or other weapon while knowingly within 250 feet of the
20 perimeter of a permitted demonstration after a duly authorized state
21 or local law enforcement officer advises the person of the permitted
22 demonstration and directs the person to leave until he or she no
23 longer possesses or controls the firearm or other weapon. This
24 subsection (2) (~~(b)~~) (c) does not apply to any person possessing or
25 controlling any firearm or other weapon on private property owned or
26 leased by that person.

27 (~~(e)~~) (d) Duly authorized federal, state, and local law
28 enforcement officers and personnel are exempt from the provisions of
29 this subsection (2) when carrying a firearm or other weapon in
30 conformance with their employing agency's policy. Members of the
31 armed forces of the United States or the state of Washington are
32 exempt from the provisions of this subsection (2) when carrying a
33 firearm or other weapon in the discharge of official duty or
34 traveling to or from official duty.

35 (~~(d)~~) (e) For purposes of this subsection, the following
36 definitions apply:

37 (i) "Permitted demonstration" means either: (A) A gathering for
38 which a permit has been issued by a federal agency, state agency, or
39 local government; or (B) a gathering of 15 or more people who are
40 assembled for a single event at a public place that has been declared

1 as permitted by the chief executive, sheriff, or chief of police of a
2 local government in which the gathering occurs. A "gathering" means a
3 demonstration, march, rally, vigil, sit-in, protest, picketing, or
4 similar public assembly.

5 (ii) "Public hospital" means any hospital owned or operated by
6 the state or any of its subdivisions, including the University of
7 Washington. "Public hospital" does not include roads, driveways,
8 parking lots, or parking garages outside public hospital structures.

9 (iii) "Public park" means any city, town, county, or other
10 municipality neighborhood, community, or regional park facility at
11 which children or youth are likely to be present.

12 (iv) "Public place" means any site accessible to the general
13 public for business, entertainment, or another lawful purpose. A
14 "public place" includes, but is not limited to, the front, immediate
15 area, or parking lot of any store, shop, restaurant, tavern, shopping
16 center, or other place of business; any public building, its grounds,
17 or surrounding area; or any public parking lot, street, right-of-way,
18 sidewalk, public park, or other public grounds.

19 ~~((iii))~~ (v) "Weapon" has the same meaning given in subsection
20 (1)(b) of this section.

21 ~~((e))~~ (f) Nothing in this subsection applies to the lawful
22 concealed carry of a firearm by a person who has a valid concealed
23 pistol license.

24 (g) No later than January 1, 2024, all cities, towns, counties,
25 and other municipalities shall designate all park facilities within
26 their boundaries where children or youth are likely to be present and
27 post appropriate signage at reasonable intervals on the perimeter of
28 each park facility's premises to notify the public that the open
29 carry of firearms and other weapons is prohibited within the park
30 facility. Park facilities where children or youth are likely to be
31 present include, but are not limited to, park facilities that have:
32 Playgrounds or child play areas; sports fields, sports courts, or
33 sports facilities; swimming or wading pools, swim beaches, or water
34 play areas; teen centers, community centers, or performing arts
35 centers; skateboard parks; or other recreational facilities likely to
36 be used by children or youth.

37 (h) No later than January 1, 2024, all public hospitals shall
38 post appropriate signage at the entrances of each public hospital
39 structure to notify the public that the open carry of firearms and
40 other weapons is prohibited within public hospitals.

1 (3) Cities, towns, counties, and other municipalities may enact
2 laws and ordinances:

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

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

12 (i) Any pistol in the possession of a person licensed under RCW
13 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

14 (ii) Any showing, demonstration, or lecture involving the
15 exhibition of firearms.

16 (4)(a) Cities, towns, and counties may enact ordinances
17 restricting the areas in their respective jurisdictions in which
18 firearms may be sold, but, except as provided in (b) of this
19 subsection, a business selling firearms may not be treated more
20 restrictively than other businesses located within the same zone. An
21 ordinance requiring the cessation of business within a zone shall not
22 have a shorter grandfather period for businesses selling firearms
23 than for any other businesses within the zone.

24 (b) Cities, towns, and counties may restrict the location of a
25 business selling firearms to not less than 500 feet from primary or
26 secondary school grounds, if the business has a storefront, has hours
27 during which it is open for business, and posts advertisements or
28 signs observable to passersby that firearms are available for sale. A
29 business selling firearms that exists as of the date a restriction is
30 enacted under this subsection (4)(b) shall be grandfathered according
31 to existing law.

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

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

39 (7) Subsection (1) of this section does not apply to:

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

3 (b) Law enforcement personnel, except that subsection (1)(b) of
4 this section does apply to a law enforcement officer who is present
5 at a courthouse building as a party to an antiharassment protection
6 order action or a domestic violence protection order action under
7 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any
8 party has alleged the existence of domestic violence as defined in
9 RCW 7.105.010; or

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

11 (8) Subsection (1)(a), (b), (c), and (e) of this section does not
12 apply to correctional personnel or community corrections officers, as
13 long as they are employed as such, who have completed government-
14 sponsored law enforcement firearms training, except that subsection
15 (1)(b) of this section does apply to a correctional employee or
16 community corrections officer who is present at a courthouse building
17 as a party to an antiharassment protection order action or a domestic
18 violence protection order action under chapter 7.105 or 10.99 RCW, or
19 an action under Title 26 RCW where any party has alleged the
20 existence of domestic violence as defined in RCW 7.105.010.

21 (9) Subsection (1)(a) of this section does not apply to a person
22 licensed pursuant to RCW 9.41.070 who, upon entering the place or
23 facility, directly and promptly proceeds to the administrator of the
24 facility or the administrator's designee and obtains written
25 permission to possess the firearm while on the premises or checks his
26 or her firearm. The person may reclaim the firearms upon leaving but
27 must immediately and directly depart from the place or facility.

28 (10) Subsection (1)(c) of this section does not apply to any
29 administrator or employee of the facility or to any person who, upon
30 entering the place or facility, directly and promptly proceeds to the
31 administrator of the facility or the administrator's designee and
32 obtains written permission to possess the firearm while on the
33 premises.

34 (11) Subsection (1)(d) of this section does not apply to the
35 proprietor of the premises or his or her employees while engaged in
36 their employment.

37 (12) Government-sponsored law enforcement firearms training must
38 be training that correctional personnel and community corrections
39 officers receive as part of their job requirement and reference to

1 such training does not constitute a mandate that it be provided by
2 the correctional facility.

3 (13) Any person violating subsection (1) or (2) of this section
4 is guilty of a gross misdemeanor.

5 (14) "Weapon" as used in this section means any firearm,
6 explosive as defined in RCW 70.74.010, or instrument or weapon listed
7 in RCW 9.41.250.

8 NEW SECTION. **Sec. 2.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of
14 the state government and its existing public institutions, and takes
15 effect immediately.

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