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**SUBSTITUTE SENATE BILL 5568**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Kuderer, Dhingra, Keiser, Lovelett, Nguyen, Saldaña, Stanford, and C. Wilson)

1           AN ACT Relating to preemption of municipal laws restricting the  
2 open carry of weapons; amending RCW 9.41.300; reenacting and amending  
3 RCW 9.41.300; providing an effective date; providing an expiration  
4 date; and declaring an emergency.

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

6           **Sec. 1.** RCW 9.41.300 and 2021 c 261 s 1 are each amended to read  
7 as follows:

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

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

18           (b) Those areas in any building which are used in connection with  
19 court proceedings, including courtrooms, jury rooms, judge's  
20 chambers, offices and areas used to conduct court business, waiting  
21 areas, and corridors adjacent to areas used in connection with court

1 proceedings. The restricted areas do not include common areas of  
2 ingress and egress to the building that is used in connection with  
3 court proceedings, when it is possible to protect court areas without  
4 restricting ingress and egress to the building. The restricted areas  
5 shall be the minimum necessary to fulfill the objective of this  
6 subsection (1)(b).

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

13 In addition, the local legislative authority shall provide either  
14 a stationary locked box sufficient in size for pistols and key to a  
15 weapon owner for weapon storage, or shall designate an official to  
16 receive weapons for safekeeping, during the owner's visit to  
17 restricted areas of the building. The locked box or designated  
18 official shall be located within the same building used in connection  
19 with court proceedings. The local legislative authority shall be  
20 liable for any negligence causing damage to or loss of a weapon  
21 either placed in a locked box or left with an official during the  
22 owner's visit to restricted areas of the building.

23 The local judicial authority shall designate and clearly mark  
24 those areas where weapons are prohibited, and shall post notices at  
25 each entrance to the building of the prohibition against weapons in  
26 the restricted areas;

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

33 (d) That portion of an establishment classified by the state  
34 liquor and cannabis board as off-limits to persons under 21 years of  
35 age; or

36 (e) The restricted access areas of a commercial service airport  
37 designated in the airport security plan approved by the federal  
38 transportation security administration, including passenger screening  
39 checkpoints at or beyond the point at which a passenger initiates the  
40 screening process. These areas do not include airport drives, general

1 parking areas and walkways, and shops and areas of the terminal that  
2 are outside the screening checkpoints and that are normally open to  
3 unscreened passengers or visitors to the airport. Any restricted  
4 access area shall be clearly indicated by prominent signs indicating  
5 that firearms and other weapons are prohibited in the area.

6 (2) (a) Except as provided in (c) of this subsection, it is  
7 unlawful for any person to knowingly open carry a firearm or other  
8 weapon while knowingly at any permitted demonstration. This  
9 subsection (2) (a) applies whether the person carries the firearm or  
10 other weapon on his or her person or in a vehicle.

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

20 (c) Duly authorized federal, state, and local law enforcement  
21 officers and personnel are exempt from the provisions of this  
22 subsection (2) when carrying a firearm or other weapon in conformance  
23 with their employing agency's policy. Members of the armed forces of  
24 the United States or the state of Washington are exempt from the  
25 provisions of this subsection (2) when carrying a firearm or other  
26 weapon in the discharge of official duty or traveling to or from  
27 official duty.

28 (d) For purposes of this subsection, the following definitions  
29 apply:

30 (i) "Permitted demonstration" means either: (A) A gathering for  
31 which a permit has been issued by a federal agency, state agency, or  
32 local government; or (B) a gathering of 15 or more people who are  
33 assembled for a single event at a public place that has been declared  
34 as permitted by the chief executive, sheriff, or chief of police of a  
35 local government in which the gathering occurs. A "gathering" means a  
36 demonstration, march, rally, vigil, sit-in, protest, picketing, or  
37 similar public assembly.

38 (ii) "Public place" means any site accessible to the general  
39 public for business, entertainment, or another lawful purpose. A  
40 "public place" includes, but is not limited to, the front, immediate

1 area, or parking lot of any store, shop, restaurant, tavern, shopping  
2 center, or other place of business; any public building, its grounds,  
3 or surrounding area; or any public parking lot, street, right-of-way,  
4 sidewalk, public park, or other public grounds.

5 (iii) "Weapon" has the same meaning given in subsection (1)(b) of  
6 this section.

7 (e) Nothing in this subsection applies to the lawful concealed  
8 carry of a firearm by a person who has a valid concealed pistol  
9 license.

10 (3) Cities, towns, counties, and other municipalities may enact  
11 laws and ordinances:

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

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

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

23 (ii) Any showing, demonstration, or lecture involving the  
24 exhibition of firearms; and

25 (c) Restricting the open carry of a firearm or other weapon at  
26 public meetings held by a public agency as defined by RCW 42.30.020,  
27 at buildings or facilities owned or operated by a city, town, county,  
28 or other municipality, or at city or municipal parks within their  
29 respective jurisdictions. Any such prohibition shall be indicated by  
30 prominent signs at the public meeting, building, facility, or park  
31 providing notice that firearms and other weapons are prohibited.

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

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

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

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

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

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

19 (b) Law enforcement personnel, except that subsection (1)(b) of  
20 this section does apply to a law enforcement officer who is present  
21 at a courthouse building as a party to an action under chapter 10.14,  
22 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
23 has alleged the existence of domestic violence as defined in RCW  
24 26.50.010; or

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

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

35 (9) Subsection (1)(a) of this section does not apply to a person  
36 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
37 facility, directly and promptly proceeds to the administrator of the  
38 facility or the administrator's designee and obtains written  
39 permission to possess the firearm while on the premises or checks his

1 or her firearm. The person may reclaim the firearms upon leaving but  
2 must immediately and directly depart from the place or facility.

3 (10) Subsection (1)(c) of this section does not apply to any  
4 administrator or employee of the facility or to any person who, upon  
5 entering the place or facility, directly and promptly proceeds to the  
6 administrator of the facility or the administrator's designee and  
7 obtains written permission to possess the firearm while on the  
8 premises.

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

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

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

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

22 **Sec. 2.** RCW 9.41.300 and 2021 c 261 s 1 and 2021 c 215 s 96 are  
23 each reenacted and amended to read as follows:

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

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

34 (b) Those areas in any building which are used in connection with  
35 court proceedings, including courtrooms, jury rooms, judge's  
36 chambers, offices and areas used to conduct court business, waiting  
37 areas, and corridors adjacent to areas used in connection with court  
38 proceedings. The restricted areas do not include common areas of  
39 ingress and egress to the building that is used in connection with

1 court proceedings, when it is possible to protect court areas without  
2 restricting ingress and egress to the building. The restricted areas  
3 shall be the minimum necessary to fulfill the objective of this  
4 subsection (1)(b).

5 For purposes of this subsection (1)(b), "weapon" means any  
6 firearm, explosive as defined in RCW 70.74.010, or any weapon of the  
7 kind usually known as slungshot, sand club, or metal knuckles, or any  
8 knife, dagger, dirk, or other similar weapon that is capable of  
9 causing death or bodily injury and is commonly used with the intent  
10 to cause death or bodily injury.

11 In addition, the local legislative authority shall provide either  
12 a stationary locked box sufficient in size for pistols and key to a  
13 weapon owner for weapon storage, or shall designate an official to  
14 receive weapons for safekeeping, during the owner's visit to  
15 restricted areas of the building. The locked box or designated  
16 official shall be located within the same building used in connection  
17 with court proceedings. The local legislative authority shall be  
18 liable for any negligence causing damage to or loss of a weapon  
19 either placed in a locked box or left with an official during the  
20 owner's visit to restricted areas of the building.

21 The local judicial authority shall designate and clearly mark  
22 those areas where weapons are prohibited, and shall post notices at  
23 each entrance to the building of the prohibition against weapons in  
24 the restricted areas;

25 (c) The restricted access areas of a public mental health  
26 facility licensed or certified by the department of health for  
27 inpatient hospital care and state institutions for the care of the  
28 mentally ill, excluding those facilities solely for evaluation and  
29 treatment. Restricted access areas do not include common areas of  
30 egress and ingress open to the general public;

31 (d) That portion of an establishment classified by the state  
32 liquor and cannabis board as off-limits to persons under 21 years of  
33 age; or

34 (e) The restricted access areas of a commercial service airport  
35 designated in the airport security plan approved by the federal  
36 transportation security administration, including passenger screening  
37 checkpoints at or beyond the point at which a passenger initiates the  
38 screening process. These areas do not include airport drives, general  
39 parking areas and walkways, and shops and areas of the terminal that  
40 are outside the screening checkpoints and that are normally open to

1 unscreened passengers or visitors to the airport. Any restricted  
2 access area shall be clearly indicated by prominent signs indicating  
3 that firearms and other weapons are prohibited in the area.

4 (2)(a) Except as provided in (c) of this subsection, it is  
5 unlawful for any person to knowingly open carry a firearm or other  
6 weapon while knowingly at any permitted demonstration. This  
7 subsection (2)(a) applies whether the person carries the firearm or  
8 other weapon on his or her person or in a vehicle.

9 (b) It is unlawful for any person to knowingly open carry a  
10 firearm or other weapon while knowingly within 250 feet of the  
11 perimeter of a permitted demonstration after a duly authorized state  
12 or local law enforcement officer advises the person of the permitted  
13 demonstration and directs the person to leave until he or she no  
14 longer possesses or controls the firearm or other weapon. This  
15 subsection (2)(b) does not apply to any person possessing or  
16 controlling any firearm or other weapon on private property owned or  
17 leased by that person.

18 (c) Duly authorized federal, state, and local law enforcement  
19 officers and personnel are exempt from the provisions of this  
20 subsection (2) when carrying a firearm or other weapon in conformance  
21 with their employing agency's policy. Members of the armed forces of  
22 the United States or the state of Washington are exempt from the  
23 provisions of this subsection (2) when carrying a firearm or other  
24 weapon in the discharge of official duty or traveling to or from  
25 official duty.

26 (d) For purposes of this subsection, the following definitions  
27 apply:

28 (i) "Permitted demonstration" means either: (A) A gathering for  
29 which a permit has been issued by a federal agency, state agency, or  
30 local government; or (B) a gathering of 15 or more people who are  
31 assembled for a single event at a public place that has been declared  
32 as permitted by the chief executive, sheriff, or chief of police of a  
33 local government in which the gathering occurs. A "gathering" means a  
34 demonstration, march, rally, vigil, sit-in, protest, picketing, or  
35 similar public assembly.

36 (ii) "Public place" means any site accessible to the general  
37 public for business, entertainment, or another lawful purpose. A  
38 "public place" includes, but is not limited to, the front, immediate  
39 area, or parking lot of any store, shop, restaurant, tavern, shopping  
40 center, or other place of business; any public building, its grounds,



1 or surrounding area; or any public parking lot, street, right-of-way,  
2 sidewalk, public park, or other public grounds.

3 (iii) "Weapon" has the same meaning given in subsection (1)(b) of  
4 this section.

5 (e) Nothing in this subsection applies to the lawful concealed  
6 carry of a firearm by a person who has a valid concealed pistol  
7 license.

8 (3) Cities, towns, counties, and other municipalities may enact  
9 laws and ordinances:

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

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

19 (i) Any pistol in the possession of a person licensed under RCW  
20 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

21 (ii) Any showing, demonstration, or lecture involving the  
22 exhibition of firearms; and

23 (c) Restricting the open carry of a firearm or other weapon at  
24 public meetings held by a public agency as defined by RCW 42.30.020,  
25 at buildings or facilities owned or operated by a city, town, county,  
26 or other municipality, or at city or municipal parks within their  
27 respective jurisdictions. Any such prohibition shall be indicated by  
28 prominent signs at the public meeting, building, facility, or park  
29 providing notice that firearms and other weapons are prohibited.

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

38 (b) Cities, towns, and counties may restrict the location of a  
39 business selling firearms to not less than 500 feet from primary or  
40 secondary school grounds, if the business has a storefront, has hours

1 during which it is open for business, and posts advertisements or  
2 signs observable to passersby that firearms are available for sale. A  
3 business selling firearms that exists as of the date a restriction is  
4 enacted under this subsection (4) (b) shall be grandfathered according  
5 to existing law.

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

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

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

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

16 (b) Law enforcement personnel, except that subsection (1)(b) of  
17 this section does apply to a law enforcement officer who is present  
18 at a courthouse building as a party to an antiharassment protection  
19 order action or a domestic violence protection order action under  
20 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any  
21 party has alleged the existence of domestic violence as defined in  
22 RCW 7.105.010; or

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

24 (8) Subsection (1)(a), (b), (c), and (e) of this section does not  
25 apply to correctional personnel or community corrections officers, as  
26 long as they are employed as such, who have completed government-  
27 sponsored law enforcement firearms training, except that subsection  
28 (1)(b) of this section does apply to a correctional employee or  
29 community corrections officer who is present at a courthouse building  
30 as a party to an antiharassment protection order action or a domestic  
31 violence protection order action under chapter 7.105 or 10.99 RCW, or  
32 an action under Title 26 RCW where any party has alleged the  
33 existence of domestic violence as defined in RCW 7.105.010.

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

1 (10) Subsection (1)(c) of this section does not apply to any  
2 administrator or employee of the facility or to any person who, upon  
3 entering the place or facility, directly and promptly proceeds to the  
4 administrator of the facility or the administrator's designee and  
5 obtains written permission to possess the firearm while on the  
6 premises.

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

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

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

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

20 NEW SECTION. **Sec. 3.** Section 1 of this act is necessary for the  
21 immediate preservation of the public peace, health, or safety, or  
22 support of the state government and its existing public institutions,  
23 and takes effect immediately.

24 NEW SECTION. **Sec. 4.** Section 1 of this act expires July 1,  
25 2022.

26 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,  
27 2022.

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