

Proposed Substitute HB 1224 (H-2420.1/22)
By Rep. Hansen

An Act Relating to spring blade knives

The Proposed Substitute makes the following revisions to the underlying bill:

- Makes technical corrections to update an RCW section being amended in the bill to incorporate changes to RCW 9.41.300 that were enacted in 2021 legislation.
- Amends the statutes governing weapons in childcare facilities, RCW 9.41.282 and RCW 43.216.760, by expressly listing spring blades knives as covered weapons, thereby maintaining current restrictions. These statutes currently restrict spring blade knives by referencing the dangerous weapon statute, RCW 9.41.250, which HB 1224 will amend.
- Amends the statute governing warrantless arrests of individuals possessing a weapon in a school, RCW 10.31.100(11), by defining dangerous weapon as including weapons identified in the statute governing weapons in schools, RCW 9.41.280, including spring blade knives, thereby maintaining current restrictions. The warrantless arrest statute currently covers spring blade knives by referencing the dangerous weapon statute, RCW 9.41.250, which HB 1224 will amend.
- Sets an effective date of July 1, 2022.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2420.1/22

ATTY/TYPIST: JO:eab

BRIEF DESCRIPTION: Concerning spring blade knives.

1 AN ACT Relating to spring blade knives; amending RCW 9.41.250,
2 9.41.280, 9.41.282, 10.31.100, and 43.216.760; reenacting and
3 amending RCW 9.41.300; repealing RCW 9.41.251; prescribing penalties;
4 and providing an effective date.

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

6 **Sec. 1.** RCW 9.41.250 and 2012 c 179 s 1 are each amended to read
7 as follows:

8 (1) Every person who:

9 (a) Manufactures, sells, or disposes of or possesses any
10 instrument or weapon of the kind usually known as slung shot, sand
11 club, or metal knuckles(~~(, or spring blade knife)~~);

12 (b) Furtively carries with intent to conceal any dagger, dirk,
13 pistol, or other dangerous weapon; or

14 (c) Uses any contrivance or device for suppressing the noise of
15 any firearm unless the suppressor is legally registered and possessed
16 in accordance with federal law,
17 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

18 (2) "Spring blade knife" means any knife, including a prototype,
19 model, or other sample, with a blade that is automatically released
20 by a spring mechanism or other mechanical device, or any knife having
21 a blade which opens, or falls, or is ejected into position by the

1 force of gravity, or by an outward, downward, or centrifugal thrust
2 or movement. A knife that contains a spring, detent, or other
3 mechanism designed to create a bias toward closure of the blade and
4 that requires physical exertion applied to the blade by hand, wrist,
5 or arm to overcome the bias toward closure to assist in opening the
6 knife is not a spring blade knife. A spring blade knife is not a
7 dangerous weapon under this section.

8 **Sec. 2.** RCW 9.41.280 and 2019 c 325 s 5001 are each amended to
9 read as follows:

10 (1) It is unlawful for a person to carry onto, or to possess on,
11 public or private elementary or secondary school premises, school-
12 provided transportation, or areas of facilities while being used
13 exclusively by public or private schools:

14 (a) Any firearm;

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

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

19 (d) Any device, commonly known as "throwing stars," which are
20 multipointed, metal objects designed to embed upon impact from any
21 aspect;

22 (e) Any air gun, including any air pistol or air rifle, designed
23 to propel a BB, pellet, or other projectile by the discharge of
24 compressed air, carbon dioxide, or other gas; ((~~or~~))

25 (f)(i) Any portable device manufactured to function as a weapon
26 and which is commonly known as a stun gun, including a projectile
27 stun gun which projects wired probes that are attached to the device
28 that emit an electrical charge designed to administer to a person or
29 an animal an electric shock, charge, or impulse; or

30 (ii) Any device, object, or instrument which is used or intended
31 to be used as a weapon with the intent to injure a person by an
32 electric shock, charge, or impulse; or

33 (g) Any spring blade knife as defined in RCW 9.41.250.

34 (2) Any such person violating subsection (1) of this section is
35 guilty of a gross misdemeanor. If any person is convicted of a
36 violation of subsection (1)(a) of this section, the person shall have
37 his or her concealed pistol license, if any revoked for a period of
38 three years. Anyone convicted under this subsection is prohibited
39 from applying for a concealed pistol license for a period of three

1 years. The court shall send notice of the revocation to the
2 department of licensing, and the city, town, or county which issued
3 the license.

4 Any violation of subsection (1) of this section by elementary or
5 secondary school students constitutes grounds for expulsion from the
6 state's public schools in accordance with RCW 28A.600.010. An
7 appropriate school authority shall promptly notify law enforcement
8 and the student's parent or guardian regarding any allegation or
9 indication of such violation.

10 Upon the arrest of a person at least (~~twelve~~) 12 years of age
11 and not more than (~~twenty-one~~) 21 years of age for violating
12 subsection (1)(a) of this section, the person shall be detained or
13 confined in a juvenile or adult facility for up to (~~seventy-two~~) 72
14 hours. The person shall not be released within the (~~seventy-two~~) 72
15 hours until after the person has been examined and evaluated by the
16 designated crisis responder unless the court in its discretion
17 releases the person sooner after a determination regarding probable
18 cause or on probation bond or bail.

19 Within (~~twenty-four~~) 24 hours of the arrest, the arresting law
20 enforcement agency shall refer the person to the designated crisis
21 responder for examination and evaluation under chapter 71.05 or 71.34
22 RCW and inform a parent or guardian of the person of the arrest,
23 detention, and examination. The designated crisis responder shall
24 examine and evaluate the person subject to the provisions of chapter
25 71.05 or 71.34 RCW. The examination shall occur at the facility in
26 which the person is detained or confined. If the person has been
27 released on probation, bond, or bail, the examination shall occur
28 wherever is appropriate.

29 Upon completion of any examination by the designated crisis
30 responder, the results of the examination shall be sent to the court,
31 and the court shall consider those results in making any
32 determination about the person.

33 The designated crisis responder shall, to the extent permitted by
34 law, notify a parent or guardian of the person that an examination
35 and evaluation has taken place and the results of the examination.
36 Nothing in this subsection prohibits the delivery of additional,
37 appropriate mental health examinations to the person while the person
38 is detained or confined.

39 If the designated crisis responder determines it is appropriate,
40 the designated crisis responder may refer the person to the local

1 behavioral health administrative services organization for follow-up
2 services or the health care authority or other community providers
3 for other services to the family and individual.

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

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

7 (b) Any person engaged in military, law enforcement, or school
8 district security activities. However, a person who is not a
9 commissioned law enforcement officer and who provides school security
10 services under the direction of a school administrator may not
11 possess a device listed in subsection (1)(f) of this section unless
12 he or she has successfully completed training in the use of such
13 devices that is equivalent to the training received by commissioned
14 law enforcement officers;

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

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

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

25 (f) Any nonstudent at least (~~eighteen~~) 18 years of age legally
26 in possession of a firearm or dangerous weapon that is secured within
27 an attended vehicle or concealed from view within a locked unattended
28 vehicle while conducting legitimate business at the school;

29 (g) Any nonstudent at least (~~eighteen~~) 18 years of age who is
30 in lawful possession of an unloaded firearm, secured in a vehicle
31 while conducting legitimate business at the school; or

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

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

38 (5) Subsection (1)(f)(i) of this section does not apply to any
39 person who possesses a device listed in subsection (1)(f)(i) of this
40 section, if the device is possessed and used solely for the purpose

1 approved by a school for use in a school authorized event, lecture,
2 or activity conducted on the school premises.

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

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

9 **Sec. 3.** RCW 9.41.282 and 2020 c 189 s 1 are each amended to read
10 as follows:

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

15 (a) Any firearm;

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

17 (c) Any air gun, including any air pistol or air rifle, designed
18 to propel a BB, pellet, or other projectile by the discharge of
19 compressed air, carbon dioxide, or other gas; (~~(e)~~)

20 (d)(i) Any portable device manufactured to function as a weapon
21 and which is commonly known as a stun gun, including a projectile
22 stun gun that projects wired probes that are attached to the device
23 that emit an electrical charge designed to administer to a person or
24 an animal an electric shock, charge, or impulse; or

25 (ii) Any device, object, or instrument that is used or intended
26 to be used as a weapon with the intent to injure a person by an
27 electric shock, charge, or impulse; or

28 (e) Any spring blade knife as defined in RCW 9.41.250.

29 (2) A person who violates subsection (1) of this section is
30 guilty of a gross misdemeanor. If a person is convicted of a
31 violation of subsection (1)(a) of this section, the person shall have
32 his or her concealed pistol license, if any, revoked for a period of
33 three years. Anyone convicted under subsection (1)(a) of this section
34 is prohibited from applying for a concealed pistol license for a
35 period of three years from the date of conviction. The court shall
36 order the person to immediately surrender any concealed pistol
37 license, and within three business days notify the department of
38 licensing in writing of the required revocation of any concealed
39 pistol license held by the person. Upon receipt of the notification

1 by the court, the department of licensing shall determine if the
2 person has a concealed pistol license. If the person does have a
3 concealed pistol license, the department of licensing shall
4 immediately notify the license-issuing authority which, upon receipt
5 of the notification, shall immediately revoke the license.

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

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

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

12 (c) Any person at least (~~eighteen~~) 18 years of age legally in
13 possession of a firearm or dangerous weapon that is secured within an
14 attended vehicle or concealed from view within a locked unattended
15 vehicle while conducting legitimate business at the child care
16 center; or

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

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

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

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

27 **Sec. 4.** RCW 9.41.300 and 2021 c 261 s 1 and 2021 c 215 s 96 are
28 each reenacted and amended to read as follows:

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

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

1 (b) Those areas in any building which are used in connection with
2 court proceedings, including courtrooms, jury rooms, judge's
3 chambers, offices and areas used to conduct court business, waiting
4 areas, and corridors adjacent to areas used in connection with court
5 proceedings. The restricted areas do not include common areas of
6 ingress and egress to the building that is used in connection with
7 court proceedings, when it is possible to protect court areas without
8 restricting ingress and egress to the building. The restricted areas
9 shall be the minimum necessary to fulfill the objective of this
10 subsection (1)(b).

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

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

27 The local judicial authority shall designate and clearly mark
28 those areas where weapons are prohibited, and shall post notices at
29 each entrance to the building of the prohibition against weapons in
30 the restricted areas;

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

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

1 (e) The restricted access areas of a commercial service airport
2 designated in the airport security plan approved by the federal
3 transportation security administration, including passenger screening
4 checkpoints at or beyond the point at which a passenger initiates the
5 screening process. These areas do not include airport drives, general
6 parking areas and walkways, and shops and areas of the terminal that
7 are outside the screening checkpoints and that are normally open to
8 unscreened passengers or visitors to the airport. Any restricted
9 access area shall be clearly indicated by prominent signs indicating
10 that firearms and other weapons are prohibited in the area.

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

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

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

33 (d) For purposes of this subsection, the following definitions
34 apply:

35 (i) "Permitted demonstration" means either: (A) A gathering for
36 which a permit has been issued by a federal agency, state agency, or
37 local government; or (B) a gathering of 15 or more people who are
38 assembled for a single event at a public place that has been declared
39 as permitted by the chief executive, sheriff, or chief of police of a
40 local government in which the gathering occurs. A "gathering" means a

1 demonstration, march, rally, vigil, sit-in, protest, picketing, or
2 similar public assembly.

3 (ii) "Public place" means any site accessible to the general
4 public for business, entertainment, or another lawful purpose. A
5 "public place" includes, but is not limited to, the front, immediate
6 area, or parking lot of any store, shop, restaurant, tavern, shopping
7 center, or other place of business; any public building, its grounds,
8 or surrounding area; or any public parking lot, street, right-of-way,
9 sidewalk, public park, or other public grounds.

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

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

15 (3) Cities, towns, counties, and other municipalities may enact
16 laws and ordinances:

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

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

26 (i) Any pistol in the possession of a person licensed under RCW
27 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

28 (ii) Any showing, demonstration, or lecture involving the
29 exhibition of firearms.

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, spring blade knife as defined
19 in RCW 9.41.250, or instrument or weapon listed in RCW 9.41.250.

20 NEW SECTION. **Sec. 5.** RCW 9.41.251 (Dangerous weapons—
21 Application of restrictions to law enforcement, firefighting, rescue,
22 and military personnel) and 2012 c 179 s 2 are each repealed.

23 **Sec. 6.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
24 read as follows:

25 A police officer having probable cause to believe that a person
26 has committed or is committing a felony shall have the authority to
27 arrest the person without a warrant. A police officer may arrest a
28 person without a warrant for committing a misdemeanor or gross
29 misdemeanor only when the offense is committed in the presence of an
30 officer, except as provided in subsections (1) through (11) of this
31 section.

32 (1) Any police officer having probable cause to believe that a
33 person has committed or is committing a misdemeanor or gross
34 misdemeanor, involving physical harm or threats of harm to any person
35 or property or the unlawful taking of property or involving the use
36 or possession of cannabis, or involving the acquisition, possession,
37 or consumption of alcohol by a person under the age of (~~twenty-one~~)
38 21 years under RCW 66.44.270, or involving criminal trespass under

1 RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the
2 person.

3 (2) A police officer shall arrest and take into custody, pending
4 release on bail, personal recognizance, or court order, a person
5 without a warrant when the officer has probable cause to believe
6 that:

7 (a) A domestic violence protection order, a sexual assault
8 protection order, a stalking protection order, or a vulnerable adult
9 protection order has been issued, of which the person has knowledge,
10 under chapter 7.105 RCW, or an order has been issued, of which the
11 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
12 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 74.34 RCW, or any of
13 the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person
14 and the person has violated the terms of the order restraining the
15 person from acts or threats of violence, or restraining the person
16 from going onto the grounds of, or entering, a residence, workplace,
17 school, or day care, or prohibiting the person from knowingly coming
18 within, or knowingly remaining within, a specified distance of a
19 location, a protected party's person, or a protected party's vehicle,
20 or, in the case of an order issued under RCW 26.44.063, imposing any
21 other restrictions or conditions upon the person;

22 (b) An extreme risk protection order has been issued against the
23 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
24 knowledge of the order, and the person has violated the terms of the
25 order prohibiting the person from having in his or her custody or
26 control, purchasing, possessing, accessing, or receiving a firearm or
27 concealed pistol license;

28 (c) A foreign protection order, as defined in RCW 26.52.010, or a
29 Canadian domestic violence protection order, as defined in RCW
30 26.55.010, has been issued of which the person under restraint has
31 knowledge and the person under restraint has violated a provision of
32 the foreign protection order or the Canadian domestic violence
33 protection order prohibiting the person under restraint from
34 contacting or communicating with another person, or excluding the
35 person under restraint from a residence, workplace, school, or day
36 care, or prohibiting the person from knowingly coming within, or
37 knowingly remaining within, a specified distance of a location, a
38 protected party's person, or a protected party's vehicle, or a
39 violation of any provision for which the foreign protection order or

1 the Canadian domestic violence protection order specifically
2 indicates that a violation will be a crime; or

3 (d) The person is (~~eighteen~~) 18 years or older and within the
4 preceding four hours has assaulted a family or household member or
5 intimate partner as defined in RCW 10.99.020 and the officer
6 believes: (i) A felonious assault has occurred; (ii) an assault has
7 occurred which has resulted in bodily injury to the victim, whether
8 the injury is observable by the responding officer or not; or (iii)
9 that any physical action has occurred which was intended to cause
10 another person reasonably to fear imminent serious bodily injury or
11 death. Bodily injury means physical pain, illness, or an impairment
12 of physical condition. When the officer has probable cause to believe
13 that family or household members or intimate partners have assaulted
14 each other, the officer is not required to arrest both persons. The
15 officer shall arrest the person whom the officer believes to be the
16 primary physical aggressor. In making this determination, the officer
17 shall make every reasonable effort to consider: (A) The intent to
18 protect victims of domestic violence under RCW 10.99.010; (B) the
19 comparative extent of injuries inflicted or serious threats creating
20 fear of physical injury; and (C) the history of domestic violence of
21 each person involved, including whether the conduct was part of an
22 ongoing pattern of abuse.

23 (3) Any police officer having probable cause to believe that a
24 person has committed or is committing a violation of any of the
25 following traffic laws shall have the authority to arrest the person:

26 (a) RCW 46.52.010, relating to duty on striking an unattended car
27 or other property;

28 (b) RCW 46.52.020, relating to duty in case of injury to, or
29 death of, a person or damage to an attended vehicle;

30 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
31 racing of vehicles;

32 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
33 influence of intoxicating liquor or drugs;

34 (e) RCW 46.61.503 or 46.25.110, relating to persons having
35 alcohol or THC in their system;

36 (f) RCW 46.20.342, relating to driving a motor vehicle while
37 operator's license is suspended or revoked;

38 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
39 negligent manner.

1 (4) A law enforcement officer investigating at the scene of a
2 motor vehicle accident may arrest the driver of a motor vehicle
3 involved in the accident if the officer has probable cause to believe
4 that the driver has committed, in connection with the accident, a
5 violation of any traffic law or regulation.

6 (5) (a) A law enforcement officer investigating at the scene of a
7 motor vessel accident may arrest the operator of a motor vessel
8 involved in the accident if the officer has probable cause to believe
9 that the operator has committed, in connection with the accident, a
10 criminal violation of chapter 79A.60 RCW.

11 (b) A law enforcement officer investigating at the scene of a
12 motor vessel accident may issue a citation for an infraction to the
13 operator of a motor vessel involved in the accident if the officer
14 has probable cause to believe that the operator has committed, in
15 connection with the accident, a violation of any boating safety law
16 of chapter 79A.60 RCW.

17 (6) Any police officer having probable cause to believe that a
18 person has committed or is committing a violation of RCW 79A.60.040
19 shall have the authority to arrest the person.

20 (7) An officer may act upon the request of a law enforcement
21 officer, in whose presence a traffic infraction was committed, to
22 stop, detain, arrest, or issue a notice of traffic infraction to the
23 driver who is believed to have committed the infraction. The request
24 by the witnessing officer shall give an officer the authority to take
25 appropriate action under the laws of the state of Washington.

26 (8) Any police officer having probable cause to believe that a
27 person has committed or is committing any act of indecent exposure,
28 as defined in RCW 9A.88.010, may arrest the person.

29 (9) A police officer may arrest and take into custody, pending
30 release on bail, personal recognizance, or court order, a person
31 without a warrant when the officer has probable cause to believe that
32 an antiharassment protection order has been issued of which the
33 person has knowledge under chapter 7.105 RCW or former chapter 10.14
34 RCW and the person has violated the terms of that order.

35 (10) Any police officer having probable cause to believe that a
36 person has, within (~~twenty-four~~) 24 hours of the alleged violation,
37 committed a violation of RCW 9A.50.020 may arrest such person.

38 (11) A police officer having probable cause to believe that a
39 person illegally possesses or illegally has possessed a firearm or

1 other dangerous weapon on private or public elementary or secondary
2 school premises shall have the authority to arrest the person.

3 For purposes of this subsection, the term "firearm" has the
4 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
5 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through
6 ~~((e))~~ (g).

7 (12) A law enforcement officer having probable cause to believe
8 that a person has committed a violation under RCW 77.15.160(5) may
9 issue a citation for an infraction to the person in connection with
10 the violation.

11 (13) A law enforcement officer having probable cause to believe
12 that a person has committed a criminal violation under RCW 77.15.809
13 or 77.15.811 may arrest the person in connection with the violation.

14 (14) Except as specifically provided in subsections (2), (3),
15 (4), and (7) of this section, nothing in this section extends or
16 otherwise affects the powers of arrest prescribed in Title 46 RCW.

17 (15) No police officer may be held criminally or civilly liable
18 for making an arrest pursuant to subsection (2) or (9) of this
19 section if the police officer acts in good faith and without malice.

20 (16)(a) Except as provided in (b) of this subsection, a police
21 officer shall arrest and keep in custody, until release by a judicial
22 officer on bail, personal recognizance, or court order, a person
23 without a warrant when the officer has probable cause to believe that
24 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
25 local ordinance and the police officer: (i) Has knowledge that the
26 person has a prior offense as defined in RCW 46.61.5055 within
27 ~~((ten))~~ 10 years; or (ii) has knowledge, based on a review of the
28 information available to the officer at the time of arrest, that the
29 person is charged with or is awaiting arraignment for an offense that
30 would qualify as a prior offense as defined in RCW 46.61.5055 if it
31 were a conviction.

32 (b) A police officer is not required to keep in custody a person
33 under (a) of this subsection if the person requires immediate medical
34 attention and is admitted to a hospital.

35 **Sec. 7.** RCW 43.216.760 and 2020 c 189 s 2 are each amended to
36 read as follows:

37 (1) Every child day care center and early childhood education and
38 assistance program provider is subject to RCW 9.41.282.

1 (2)(a) A family day care provider must store any firearm,
2 ammunition, or other dangerous weapon as described in RCW 9.41.250,
3 including without limitation any spring blade knife as defined in RCW
4 9.41.250, in a secure area when children for whom the family day care
5 provider is licensed to provide care are present on the premises.

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

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

12 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2022.

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