
SENATE BILL 5860

State of Washington

68th Legislature

2024 Regular Session

By Senator Fortunato

Prefiled 12/18/23.

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 2023 c 470 s 3004 are each amended to
9 read as follows:

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

16 (a) Any firearm;

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

18 (c) Any device commonly known as "~~((nunchu-ka—[nunchaku])~~)
19 nunchaku sticks," consisting of two or more lengths of wood, metal,
20 plastic, or similar substance connected with wire, rope, or other
21 means;

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

25 (e) Any air gun, including any air pistol or air rifle, designed
26 to propel a BB, pellet, or other projectile by the discharge of
27 compressed air, carbon dioxide, or other gas; ~~((\emptyset))~~

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

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

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

37 (2)(a) Any such person violating subsection (1) of this section
38 is guilty of a misdemeanor.

1 (b) Second and subsequent violations of subsection (1) of this
2 section are a gross misdemeanor.

3 (c) If any person is convicted of a violation of subsection
4 (1)(a) of this section, the person shall have his or her concealed
5 pistol license, if any revoked for a period of three years. Anyone
6 convicted under this subsection is prohibited from applying for a
7 concealed pistol license for a period of three years. The court shall
8 send notice of the revocation to the department of licensing, and the
9 city, town, or county which issued the license.

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

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

25 Within (~~twenty-four~~) 24 hours of the arrest, the arresting law
26 enforcement agency shall refer the person to the designated crisis
27 responder for examination and evaluation under chapter 71.05 or 71.34
28 RCW and inform a parent or guardian of the person of the arrest,
29 detention, and examination. The designated crisis responder shall
30 examine and evaluate the person subject to the provisions of chapter
31 71.05 or 71.34 RCW. The examination shall occur at the facility in
32 which the person is detained or confined. If the person has been
33 released on probation, bond, or bail, the examination shall occur
34 wherever is appropriate.

35 Upon completion of any examination by the designated crisis
36 responder, the results of the examination shall be sent to the court,
37 and the court shall consider those results in making any
38 determination about the person.

39 The designated crisis responder shall, to the extent permitted by
40 law, notify a parent or guardian of the person that an examination

1 and evaluation has taken place and the results of the examination.
2 Nothing in this subsection prohibits the delivery of additional,
3 appropriate mental health examinations to the person while the person
4 is detained or confined.

5 If the designated crisis responder determines it is appropriate,
6 the designated crisis responder may refer the person to the local
7 behavioral health administrative services organization for follow-up
8 services or the health care authority or other community providers
9 for other services to the family and individual.

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

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

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

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

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

27 (e) Any person in possession of a pistol who has been issued a
28 license under RCW 9.41.070, or is exempt from the licensing
29 requirement by RCW 9.41.060, while:

30 (i) Picking up or dropping off a student; or

31 (ii) Attending official meetings of a school district board of
32 directors held off school district-owned or leased property;

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

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

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

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

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

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

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

18 (8) A school district board of directors must post signs
19 providing notice of the restrictions on possession of firearms and
20 other weapons under this section at facilities being used for
21 official meetings of the school district board of directors.

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

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

28 (a) Any firearm;

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

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

33 (d)(i) Any portable device manufactured to function as a weapon
34 and which is commonly known as a stun gun, including a projectile
35 stun gun that projects wired probes that are attached to the device
36 that emit an electrical charge designed to administer to a person or
37 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; or

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

5 (2) A person who violates subsection (1) of this section is
6 guilty of a gross misdemeanor. If a person is convicted of a
7 violation of subsection (1)(a) of this section, the person shall have
8 his or her concealed pistol license, if any, revoked for a period of
9 three years. Anyone convicted under subsection (1)(a) of this section
10 is prohibited from applying for a concealed pistol license for a
11 period of three years from the date of conviction. The court shall
12 order the person to immediately surrender any concealed pistol
13 license, and within three business days notify the department of
14 licensing in writing of the required revocation of any concealed
15 pistol license held by the person. Upon receipt of the notification
16 by the court, the department of licensing shall determine if the
17 person has a concealed pistol license. If the person does have a
18 concealed pistol license, the department of licensing shall
19 immediately notify the license-issuing authority which, upon receipt
20 of the notification, shall immediately revoke the license.

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

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

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

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

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

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

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

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

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

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

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

15 (b) Those areas in any building which are used in connection with
16 court proceedings, including courtrooms, jury rooms, judge's
17 chambers, offices and areas used to conduct court business, waiting
18 areas, and corridors adjacent to areas used in connection with court
19 proceedings. The restricted areas do not include common areas of
20 ingress and egress to the building that is used in connection with
21 court proceedings, when it is possible to protect court areas without
22 restricting ingress and egress to the building. The restricted areas
23 shall be the minimum necessary to fulfill the objective of this
24 subsection (1)(b).

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

31 In addition, the local legislative authority shall provide either
32 a stationary locked box sufficient in size for pistols and key to a
33 weapon owner for weapon storage, or shall designate an official to
34 receive weapons for safekeeping, during the owner's visit to
35 restricted areas of the building. The locked box or designated
36 official shall be located within the same building used in connection
37 with court proceedings. The local legislative authority shall be
38 liable for any negligence causing damage to or loss of a weapon

1 either placed in a locked box or left with an official during the
2 owner's visit to restricted areas of the building.

3 The local judicial authority shall designate and clearly mark
4 those areas where weapons are prohibited, and shall post notices at
5 each entrance to the building of the prohibition against weapons in
6 the restricted areas;

7 (c) The restricted access areas of a public mental health
8 facility licensed or certified by the department of health for
9 inpatient hospital care and state institutions for the care of the
10 mentally ill, excluding those facilities solely for evaluation and
11 treatment. Restricted access areas do not include common areas of
12 egress and ingress open to the general public;

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

16 (e) The restricted access areas of a commercial service airport
17 designated in the airport security plan approved by the federal
18 transportation security administration, including passenger screening
19 checkpoints at or beyond the point at which a passenger initiates the
20 screening process. These areas do not include airport drives, general
21 parking areas and walkways, and shops and areas of the terminal that
22 are outside the screening checkpoints and that are normally open to
23 unscreened passengers or visitors to the airport. Any restricted
24 access area shall be clearly indicated by prominent signs indicating
25 that firearms and other weapons are prohibited in the area.

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

31 (b) It is unlawful for any person to knowingly open carry a
32 firearm or other weapon while knowingly within 250 feet of the
33 perimeter of a permitted demonstration after a duly authorized state
34 or local law enforcement officer advises the person of the permitted
35 demonstration and directs the person to leave until he or she no
36 longer possesses or controls the firearm or other weapon. This
37 subsection (2)(b) does not apply to any person possessing or
38 controlling any firearm or other weapon on private property owned or
39 leased by that person.

1 (c) Duly authorized federal, state, and local law enforcement
2 officers and personnel are exempt from the provisions of this
3 subsection (2) when carrying a firearm or other weapon in conformance
4 with their employing agency's policy. Members of the armed forces of
5 the United States or the state of Washington are exempt from the
6 provisions of this subsection (2) when carrying a firearm or other
7 weapon in the discharge of official duty or traveling to or from
8 official duty.

9 (d) For purposes of this subsection, the following definitions
10 apply:

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

19 (ii) "Public place" means any site accessible to the general
20 public for business, entertainment, or another lawful purpose. A
21 "public place" includes, but is not limited to, the front, immediate
22 area, or parking lot of any store, shop, restaurant, tavern, shopping
23 center, or other place of business; any public building, its grounds,
24 or surrounding area; or any public parking lot, street, right-of-way,
25 sidewalk, public park, or other public grounds.

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

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

31 (3) Cities, towns, counties, and other municipalities may enact
32 laws and ordinances:

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

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

4 (i) Any pistol in the possession of a person licensed under RCW
5 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

6 (ii) Any showing, demonstration, or lecture involving the
7 exhibition of firearms.

8 (4)(a) Cities, towns, and counties may enact ordinances
9 restricting the areas in their respective jurisdictions in which
10 firearms may be sold, but, except as provided in (b) of this
11 subsection, a business selling firearms may not be treated more
12 restrictively than other businesses located within the same zone. An
13 ordinance requiring the cessation of business within a zone shall not
14 have a shorter grandfather period for businesses selling firearms
15 than for any other businesses within the zone.

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

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

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

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

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

34 (b) Law enforcement personnel, except that subsection (1)(b) of
35 this section does apply to a law enforcement officer who is present
36 at a courthouse building as a party to an antiharassment protection
37 order action or a domestic violence protection order action under
38 chapter 7.105 or 10.99 RCW, or an action under Title 26 RCW where any
39 party has alleged the existence of domestic violence as defined in
40 RCW 7.105.010; or

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

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

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

19 (10) Subsection (1)(c) of this section does not apply to any
20 administrator or employee of the facility or to any person who, upon
21 entering the place or facility, directly and promptly proceeds to the
22 administrator of the facility or the administrator's designee and
23 obtains written permission to possess the firearm while on the
24 premises.

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

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

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

35 (14) "Weapon" as used in this section means any firearm,
36 explosive as defined in RCW 70.74.010, spring blade knife as defined
37 in RCW 9.41.250, or instrument or weapon listed in RCW 9.41.250.

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

4 **Sec. 6.** RCW 10.31.100 and 2023 c 462 s 702 are each amended to
5 read as follows:

6 A police officer having probable cause to believe that a person
7 has committed or is committing a felony shall have the authority to
8 arrest the person without a warrant. A police officer may arrest a
9 person without a warrant for committing a misdemeanor or gross
10 misdemeanor only when the offense is committed in the presence of an
11 officer, except as provided in subsections (1) through (11) of this
12 section.

13 (1) Any police officer having probable cause to believe that a
14 person has committed or is committing a misdemeanor or gross
15 misdemeanor, involving physical harm or threats of harm to any person
16 or property or the unlawful taking of property or involving the use
17 or possession of cannabis, or involving the acquisition, possession,
18 or consumption of alcohol by a person under the age of (~~twenty-one~~)
19 21 years under RCW 66.44.270, or involving criminal trespass under
20 RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the
21 person.

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

26 (a) A domestic violence protection order, a sexual assault
27 protection order, a stalking protection order, or a vulnerable adult
28 protection order has been issued, of which the person has knowledge,
29 under chapter 7.105 RCW, or an order has been issued, of which the
30 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
31 9A.88, 10.99, 26.09, 26.26A, 26.26B, or 74.34 RCW, or any of the
32 former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and
33 the person has violated the terms of the order restraining the person
34 from acts or threats of violence, or restraining the person from
35 going onto the grounds of, or entering, a residence, workplace,
36 school, or day care, or prohibiting the person from knowingly coming
37 within, or knowingly remaining within, a specified distance of a
38 location, a protected party's person, or a protected party's vehicle,
39 or requiring the person to submit to electronic monitoring, or, in

1 the case of an order issued under RCW 26.44.063, imposing any other
2 restrictions or conditions upon the person;

3 (b) An extreme risk protection order has been issued against the
4 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
5 knowledge of the order, and the person has violated the terms of the
6 order prohibiting the person from having in the person's custody or
7 control, purchasing, possessing, accessing, or receiving a firearm or
8 concealed pistol license;

9 (c) A foreign protection order, as defined in RCW 26.52.010, or a
10 Canadian domestic violence protection order, as defined in RCW
11 26.55.010, has been issued of which the person under restraint has
12 knowledge and the person under restraint has violated a provision of
13 the foreign protection order or the Canadian domestic violence
14 protection order prohibiting the person under restraint from
15 contacting or communicating with another person, or excluding the
16 person under restraint from a residence, workplace, school, or day
17 care, or prohibiting the person from knowingly coming within, or
18 knowingly remaining within, a specified distance of a location, a
19 protected party's person, or a protected party's vehicle, or a
20 violation of any provision for which the foreign protection order or
21 the Canadian domestic violence protection order specifically
22 indicates that a violation will be a crime; or

23 (d) The person is (~~eighteen~~) 18 years or older and within the
24 preceding four hours has assaulted a family or household member or
25 intimate partner as defined in RCW 10.99.020 and the officer
26 believes: (i) A felonious assault has occurred; (ii) an assault has
27 occurred which has resulted in bodily injury to the victim, whether
28 the injury is observable by the responding officer or not; or (iii)
29 that any physical action has occurred which was intended to cause
30 another person reasonably to fear imminent serious bodily injury or
31 death. Bodily injury means physical pain, illness, or an impairment
32 of physical condition. When the officer has probable cause to believe
33 that family or household members or intimate partners have assaulted
34 each other, the officer is not required to arrest both persons. The
35 officer shall arrest the person whom the officer believes to be the
36 primary aggressor. In making this determination, the officer shall
37 make every reasonable effort to consider: (A) The intent to protect
38 victims of domestic violence under RCW 10.99.010; (B) the comparative
39 extent of injuries inflicted or serious threats creating fear of
40 physical injury; and (C) the history of domestic violence of each

1 person involved, including whether the conduct was part of an ongoing
2 pattern of abuse.

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

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

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

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

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

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

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

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

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

25 (5) (a) A law enforcement officer investigating at the scene of a
26 motor vessel accident may arrest the operator of a motor vessel
27 involved in the accident if the officer has probable cause to believe
28 that the operator has committed, in connection with the accident, a
29 criminal violation of chapter 79A.60 RCW.

30 (b) A law enforcement officer investigating at the scene of a
31 motor vessel accident may issue a citation for an infraction to the
32 operator of a motor vessel involved in the accident if the officer
33 has probable cause to believe that the operator has committed, in
34 connection with the accident, a violation of any boating safety law
35 of chapter 79A.60 RCW.

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

39 (7) An officer may act upon the request of a law enforcement
40 officer, in whose presence a traffic infraction was committed, to

1 stop, detain, arrest, or issue a notice of traffic infraction to the
2 driver who is believed to have committed the infraction. The request
3 by the witnessing officer shall give an officer the authority to take
4 appropriate action under the laws of the state of Washington.

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

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

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

17 (11) A police officer having probable cause to believe that a
18 person illegally possesses or illegally has possessed a firearm or
19 other dangerous weapon on private or public elementary or secondary
20 school premises shall have the authority to arrest the person.

21 For purposes of this subsection, the term "firearm" has the
22 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
23 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through
24 (~~(e)~~) (g).

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

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

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

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

38 (16)(a) Except as provided in (b) of this subsection, a police
39 officer shall arrest and keep in custody, until release by a judicial
40 officer on bail, personal recognizance, or court order, a person

1 without a warrant when the officer has probable cause to believe that
2 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
3 local ordinance and the police officer: (i) Has knowledge that the
4 person has a prior offense as defined in RCW 46.61.5055 within
5 (~~ten~~) 10 years; or (ii) has knowledge, based on a review of the
6 information available to the officer at the time of arrest, that the
7 person is charged with or is awaiting arraignment for an offense that
8 would qualify as a prior offense as defined in RCW 46.61.5055 if it
9 were a conviction.

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

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

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

17 (2)(a) A family day care provider must store any firearm,
18 ammunition, or other dangerous weapon as described in RCW 9.41.250,
19 including without limitation any spring blade knife as defined in RCW
20 9.41.250, in a secure area when children for whom the family day care
21 provider is licensed to provide care are present on the premises.

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

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

28 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2024.

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