



T⁵ REQUEST FORM

"Every Day's A Training Day"

DATE SUBMITTED: 11-07-06		RECEIVED BY:
SUBMITTED BY:		REVIEWED BY:
TITLE OF TRAINING: (and brief summary)		
	Open Carry of Firearm in Washington	

LEARNING OBJECTIVE(S): (At the end of today's T ⁵ , the participant will...)	Review Washington's "Open Carry" for firearms law.

NARRATIVE / SCENARIO:
Deputy Wrangler sees two men walking down the street in North Bend. The men are laughing and talking as they cross the street. One of the men tips his hat to a lady as he passes. Deputy Wrangler notices everyone is taking a second look at the men as they pass. Deputy Wrangler takes a closer look to see what everyone is looking at. He sees both men are carrying what appear to be long-barreled, pearl handled revolvers in holsters on their belts. It doesn't appear the men are trying to hide the guns. The men walk into a restaurant that serves alcohol and sit down for dinner.

QUESTION #1:	
Have the men committed a crime by carrying their guns where everyone can see them while in public?	
POSSIBLE ANSWERS	
<input type="checkbox"/>	A. Yes
<input type="checkbox"/>	B. No
<input type="checkbox"/>	C.
<input type="checkbox"/>	D.
<input type="checkbox"/>	E.
DETAILED ANSWER / EXPLANATION: (provide sources / references)	
The correct answer is : B. No Washington is an "open carry" state for firearms. This means there is a presumption that carrying a handgun in an exposed holster, for instance, is legal except where it is specifically prohibited. Open carry does not require a license. On the other hand, concealed carry of a firearm out in public is generally illegal without government authority.	

QUESTION #2:

RCW 9.41.270 states “It shall be unlawful for any person to carry, exhibit, display, or draw any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of others.” Can the men be charged? Obviously people are looking at them a second time when they see the guns in plain view.

POSSIBLE ANSWERS

☐ A. Yes

☐ B. No

☐ C.

☐ D.

☐ E.

DETAILED ANSWER / EXPLANATION: (provide sources / references)

The correct answer is: B. No

In this law, mere possession of an openly carried handgun is not prohibited. In order to support an enforcement action under this law the officer must be able to articulate (describe in a convincing manner) malicious intent by the suspect or circumstances that reasonably cause alarm to the public. In either case, because open carry in Washington is presumably legal, the articulation must include something beyond mere, open possession.

QUESTION #3:

Since the men went into an establishment that serves alcohol, can they be charged?

POSSIBLE ANSWERS

☐ A. Yes

☐ B. No

☐ C.

☐ D.

☐ E.

DETAILED ANSWER / EXPLANATION: (provide sources / references)

The correct answer is: B. No

This could be considered a trick question since many restaurants have lounges and it would depend on where the men sat. For this discussion we are assuming they sat in the eating area of the restaurant. RCW 9.41.300 in part reads (1) it is unlawful for a person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

- (a) The restricted access areas of a jail, or of a law enforcement facility;
- (b) Those areas in any building which are used in connection with court proceedings;
- (c) The restricted access areas of a public mental health facility;
- (d) That portion of an establishment classified by the state liquor board as off-limits to persons under twenty-one years of age; or
- (e) The restricted access areas of a commercial service airport.
 - This illegalizes mere possession at these places, including open carry, unless an exception applies. Exceptions are spelled out in subsections 6-9.

PHOTO / GRAPHIC / VISUAL AID: (Photos may be cropped and / or resized for proper fit)

Insert Digitized Photo Here



Would you, as the author, like your name to appear in the credits for this training module?

☐ Yes

☐ No

Training Prepared By:	Comments:
Legal Review (if necessary) :	
Project Mgr. Review:	
Review Committee Approval:	