

**BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 21-001
AUTHORIZING BAILIFFS TO CARRY
FIREARMS IN COURT FACILITIES**

WHEREAS, RCW 9.41.300 authorizes only certain individuals to carry firearms in those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings (hereinafter "court facilities"); and

WHEREAS, RCW 9.41.300(7)(c) authorizes security personnel while engaged in official duties to carry firearms in court facilities; and

WHEREAS, RCW 9.41.300(9) authorizes the Court, acting through its administrator or designee to authorize that administrator, an employee, or any other person, provided they possess a concealed weapons permit, to possess a firearm while on court facilities, and

WHEREAS, securing and maintaining a concealed weapons permit is, and has been for at least 30 years, a condition of employment for bailiffs hired by the Court; and

WHEREAS, bailiffs employed or contracted by the Court (hereinafter collectively, "bailiffs") are security personnel, and are authorized to carry firearms by the Court, in the exercise of its inherent sole authority as an independent branch of government to manage court facilities; and

WHEREAS, bailiffs employed or contracted by the Court (hereinafter collectively, "bailiffs") are individuals who possess concealed weapons permits, and thus may be specifically authorized to carry firearms by the Court, through its Administrator or designee, while present at court facilities; and

WHEREAS, bailiffs perform duties for both Benton and Franklin Counties Superior Court where the cost thereof is shared by the two counties, resulting in significant cost savings to the citizens of both counties; and

WHEREAS, bailiffs have provided security in Benton and Franklin County court facilities for fifty years or more; and

WHEREAS, the Court has the inherent sole authority as an independent branch of government to manage court facilities, which includes the authority to determine the nature and scope of appropriate regular firearms proficiency training either through development of its own training protocols, or through permissive participation in the training protocols of other organizations, such as the Benton County Corrections Department, The Benton or Franklin County Sheriff, or through other metrics, such as the requirements of RCW 18.170.105; and

WHEREAS, bailiffs employed by the Court have historically performed their duties under limited commissions issued by both the Benton County Sheriff and the Franklin County Sheriff; and

WHEREAS, the Benton and Franklin County Sheriffs and the Court have historically agreed on the requisite training requirements for the continued issuance of both commissions; and

WHEREAS, the prior Sheriff of Benton County, through his designee, insisted in the recent past upon a new and onerous course and schedule of training which the Court concluded was both unnecessary, burdensome and which would interfere with the operation of the Court; and

WHEREAS, the prior impasse has abated, however at that time the Court reasonably expected the prior Benton County Sheriff to withdraw the limited commissions referred to above if the Court did not agree; and

WHEREAS, this recent experience requires that the Court should now pursue the two methods of authorization concurrently: explicitly exercising its own sole inherent authority, as an independent basis for authorizing bailiffs to carry firearms in court facilities, while simultaneously working collaboratively with the Benton and Franklin County Sheriffs in recognition of the mutual benefits of limited commissions; and

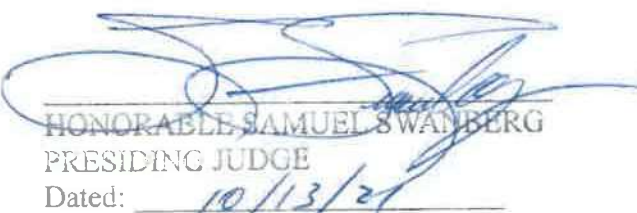
WHEREAS, the Court, in the exercise of its inherent sole authority as an independent branch of government to manage court facilities, has the authority to determine the nature and scope of firearms proficiency training for those it authorizes to carry firearm in court facilities; and

WHEREAS, the issuance of a commission card, limited or otherwise, is not necessary for the Court to exercise its inherent sole authority in this area; and

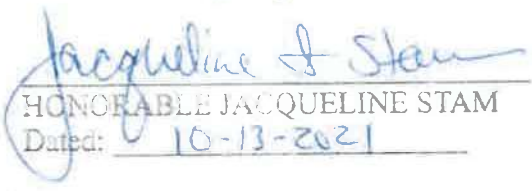
WHEREAS, the Court has an obligation to assure the safety of the public and the continuity of the bailiffs' functions, including their function as security personnel, notwithstanding of any agreement with other agencies; and

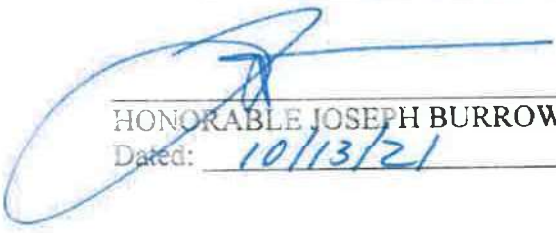
WHEREAS, it is desirable for the efficient uninterrupted operation of Benton and Franklin Counties Superior Court to now authorize bailiffs to carry firearms in court facilities in order to perform their security function.

NOW THEREFORE, BE IT RESOLVED, that effective immediately, bailiffs employed and contracted by the Court are hereby independently authorized by the Court to carry firearms in court facilities, which include the Benton County Courthouse, Benton County Justice Center, the Benton/Franklin Counties Juvenile Justice Center and Franklin County Courthouse.


HONORABLE SAMUEL SWANBERG
PRESIDING JUDGE
Dated: 10/13/21


HONORABLE JACQUELINE SHEA-BROWN
ASSISTANT PRESIDING JUDGE
Dated: 10-13-2021


HONORABLE JACQUELINE STAM
Dated: 10-13-2021


HONORABLE JOSEPH BURROWES
Dated: 10/13/21



HONORABLE CAMERON MITCHELL

Dated: 10/14/21



HONORABLE ALEXANDER EKSTROM

Dated: 11/13/2021



HONORABLE DAVID PETERSEN

Dated: 10/13/2021