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**SUBSTITUTE SENATE BILL 5381**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Billig, Frockt, Pedersen, Kohl-Welles, Rolfes, Lias, Nelson, Fraser, Cleveland, McCoy, and McAuliffe)

1 AN ACT Relating to creating a protocol for the return of firearms  
2 in the possession of law enforcement agencies; adding a new section  
3 to chapter 9.41 RCW; adding a new section to chapter 36.28A RCW; and  
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
7 to read as follows:

8 (1) Before a law enforcement agency returns a privately owned  
9 firearm, the law enforcement agency must:

10 (a) Confirm that the individual to whom the firearm will be  
11 returned is the individual from whom the firearm was obtained or an  
12 authorized representative of that person;

13 (b) Confirm that the individual to whom the firearm will be  
14 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

15 (c) Provide notice within one business day of an individual  
16 requesting return of his or her firearm when a request for  
17 notification has been made by a family or household member pursuant  
18 to section 2 of this act; and

19 (d)(i) If a family or household member has requested to be  
20 notified pursuant to section 2 of this act, ensure that seventy-two  
21 hours have elapsed from the time notification has been provided; or

1 (ii) If no request for notification has been made pursuant to  
2 section 2 of this act, ensure that twenty-four hours have elapsed  
3 from the time the firearm was obtained by law enforcement.

4 (2) Once the requirements in subsection (1) of this section have  
5 been met, a law enforcement agency must release a firearm to the  
6 individual from whom it was obtained or an authorized representative  
7 of that person upon request.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A  
9 RCW to read as follows:

10 (1) Each law enforcement agency shall develop a notification  
11 protocol that allows a family or household member to use an incident  
12 or case number to request to be notified when a law enforcement  
13 agency returns a privately owned firearm to the individual from whom  
14 it was obtained or to an authorized representative of that person.

15 (a) Notification may be made via telephone, email, text message,  
16 or another method that allows notification to be provided without  
17 unnecessary delay.

18 (b) If a law enforcement agency is in possession of more than one  
19 privately owned firearm from a single person, notification relating  
20 to the return of one firearm shall be considered notification for all  
21 privately owned firearms for that person.

22 (c) "Family or household member" has the same meaning as in RCW  
23 26.50.010(2).

24 (2) A law enforcement agency shall not release the information  
25 provided in this section to any party other than a family or  
26 household member who has an incident or case number and who has  
27 requested to be notified pursuant to this section.

28 (3) The information provided in this section is not subject to  
29 public disclosure pursuant to chapter 42.56 RCW.

30 (4) An appointed or elected official, public employee, or public  
31 agency as defined in RCW 4.24.470, or combination of units of local  
32 government and its employees, as provided in RCW 36.28A.010, are  
33 immune from civil liability for damages for any release of  
34 information or the failure to release information related to this  
35 section, so long as the release or failure was without gross  
36 negligence.

37 (5) An individual who knowingly makes a request for notification  
38 under this section based on false information may be held liable  
39 under RCW 9A.76.175.

1        NEW SECTION.    **Sec. 3.**    This act may be known and cited as the  
2    Sheena Henderson act.

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