

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5381

64th Legislature
2015 Regular Session

Passed by the Senate April 16, 2015
Yeas 47 Nays 0

President of the Senate

Passed by the House April 8, 2015
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5381** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5381

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

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)

READ FIRST TIME 02/20/15.

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

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

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

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

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

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

19 (c) "Family or household member" has the same meaning as in RCW
20 26.50.010.

1 (2) A law enforcement agency shall not provide notification to
2 any party other than a family or household member who has an incident
3 or case number and who has requested to be notified pursuant to this
4 section or another criminal justice agency.

5 (3) The information provided by a family or household member
6 pursuant to this act, including the existence of the request for
7 notification, is not subject to public disclosure pursuant to chapter
8 42.56 RCW.

9 (4) An appointed or elected official, public employee, or public
10 agency as defined in RCW 4.24.470, or combination of units of local
11 government and its employees, as provided in RCW 36.28A.010, are
12 immune from civil liability for damages for any release of
13 information or the failure to release information related to this
14 section, so long as the release or failure was without gross
15 negligence.

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

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
20 to read as follows:

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

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

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

28 (c) Ensure that the firearm is not otherwise required to be held
29 in custody or otherwise prohibited from being released; and

30 (d) Ensure that twenty-four hours have elapsed from the time the
31 firearm was obtained by law enforcement.

32 (2)(a) Once the requirements in subsections (1) and (3) of this
33 section have been met, a law enforcement agency must release a
34 firearm to the individual from whom it was obtained or an authorized
35 representative of that person upon request without unnecessary delay.

36 (b)(i) If a firearm cannot be returned because it is required to
37 be held in custody or is otherwise prohibited from being released, a
38 law enforcement agency must provide written notice to the individual
39 from whom it was obtained within five business days of the individual

1 requesting return of his or her firearm and specify the reason the
2 firearm must be held in custody.

3 (ii) Notification may be made via email, text message, mail
4 service, or personal service. For methods other than personal
5 service, service shall be considered complete once the notification
6 is sent.

7 (3) If a family or household member has requested to be notified
8 pursuant to section 1 of this act, a law enforcement agency must:

9 (a) Provide notice to the family or household member within one
10 business day of verifying that the requirements in subsection (1) of
11 this section have been met; and

12 (b) Hold the firearm in custody for seventy-two hours from the
13 time notification has been provided.

14 (4) The provisions of this act shall not apply to circumstances
15 where a law enforcement officer has momentarily obtained a firearm
16 from an individual and would otherwise immediately return the firearm
17 to the individual during the same interaction.

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

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