
SENATE BILL 5381

State of Washington

64th Legislature

2015 Regular Session

By Senators Billig, Frockt, Pedersen, Kohl-Welles, Rolfes, Lias, Nelson, Fraser, Cleveland, McCoy, and McAuliffe

Read first time 01/21/15. Referred to Committee on Law & Justice.

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 Before a law enforcement agency returns a privately owned
9 firearm, the law enforcement agency must:

10 (1) 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 (2) 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 (3) Provide notice pursuant to section 2 of this act; and

16 (4) Ensure that seventy-two hours have elapsed from the time:

17 (a) The firearm was requested to be returned if no request for
18 notification has been made pursuant to section 2 of this act; or

19 (b) Notification has been received pursuant to section 2 of this
20 act if a person has requested to be notified.

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

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

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

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

15 (c) "Family or household member" has the same meaning as in RCW
16 26.50.010(2).

17 (2) An appointed or elected official, public employee, or public
18 agency as defined in RCW 4.24.470, or combination of units of local
19 government and its employees, as provided in RCW 36.28A.010, are
20 immune from civil liability for damages for any release of
21 information or the failure to release information related to the
22 automated notification system, so long as the release was without
23 gross negligence. The immunity provided under this subsection applies
24 to the release of relevant and necessary information to other public
25 officials, public employees, or public agencies, and to the general
26 public.

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

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