
HOUSE BILL 2223

State of Washington

66th Legislature

2020 Regular Session

By Representative Walsh

Prefiled 12/09/19.

1 AN ACT Relating to the liability of an individual or entity that
2 prohibits the possession of firearms on property owned by, or under
3 the control of, the individual or entity; and adding a new section to
4 chapter 4.24 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
7 to read as follows:

8 (1) Any individual or entity, including any governmental entity,
9 that prohibits a person who is lawfully eligible to possess firearms
10 from carrying a firearm onto property owned by, or under the control
11 of, such individual or entity assumes absolute custodial
12 responsibility for the safety and defense of the person against any
13 unlawful or reckless act by another person, or any attack by a
14 vicious or wild animal, while on the individual's or entity's
15 property or on any property that the person is required to traverse
16 in order to travel to and from the property on which firearms are
17 prohibited and the location where the person's firearm is stored.

18 (2) The responsibility of the individual or entity under
19 subsection (1) of this section extends to the conduct of other
20 invitees, trespassers, employees of the individual or entity, vicious
21 animals, and wild animals.

1 (3) An individual or entity that prohibits the possession of
2 firearms on property owned by or under the control of the individual
3 or entity is liable to any person who suffers bodily injury or death,
4 incurs economic loss or expense, or incurs property damage or any
5 other compensable loss as the result of an unlawful or reckless act
6 by another person, or an attack by a vicious or wild animal, that
7 occurs on the property of the individual or entity, or on any
8 property that the person is required to traverse in order to travel
9 to and from the property on which firearms are prohibited and the
10 location where the person's firearm is stored, if the plaintiff shows
11 by a preponderance of the evidence that:

12 (a) The plaintiff was lawfully eligible to possess a firearm at
13 the time of the incident giving rise to the cause of action;

14 (b) The individual or entity prohibited the plaintiff from
15 carrying a firearm on the individual's or entity's property;

16 (c) The individual or entity was not required to prohibit the
17 carrying of a firearm on its property pursuant to state or federal
18 law;

19 (d) The injury, loss, or damage occurred while the plaintiff was
20 prevented from carrying a firearm due to the prohibition by the
21 individual or entity;

22 (e) The injury, loss, or damage resulted directly or indirectly
23 from an unlawful or reckless act by another person, or from an attack
24 by a vicious or wild animal, that could reasonably have been
25 prevented by the plaintiff but for the individual's or entity's
26 prohibition on the possession of firearms on the property.

27 (5) A person who prevails in an action under this section is
28 entitled to an award of reasonable attorneys' fees, court costs,
29 expert witness costs, and other costs necessary to bring the cause of
30 action.

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