
SENATE BILL 5479

State of Washington 63rd Legislature 2013 Regular Session

By Senators Keiser, Kohl-Welles, Darneille, Nelson, and Kline

Read first time 01/31/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to establishing a process for voluntary temporary
2 safekeeping of firearms with law enforcement agencies; and adding a new
3 section to chapter 9.41 RCW.

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)(a) The chief of police of a municipality or the sheriff of a
8 county are authorized to receive and take into custody, for the
9 purposes of temporary safekeeping, any firearm of a person who
10 voluntarily requests to surrender a firearm, if the person appears in
11 person to surrender the firearm and provides written attestation of the
12 voluntary surrender.

13 (b) The chief of police of a municipality or the sheriff of a
14 county are authorized to receive and take into custody for the purposes
15 of temporary safekeeping any firearm of a person whose family member,
16 friend, or mental health professional appears in person and provides
17 written attestation, that the owner of the firearm voluntarily
18 surrenders his or her firearm for temporary safekeeping. The family
19 member, friend, or mental health professional must sign under penalty

1 of perjury that the owner of the firearm has voluntarily surrendered
2 the firearm. A person who knowingly makes a false statement regarding
3 the voluntariness of the firearm surrender is guilty of false swearing
4 under RCW 9A.72.040.

5 (c) A law enforcement agency may inquire into and require the
6 provision of identifying information regarding the owner of the firearm
7 before taking the firearm into custody including, but not limited to,
8 the owner's name, driver's license or state identicard information,
9 residential address, and phone number.

10 (2) Any firearm surrendered under this section may be held by the
11 law enforcement agency for a period of up to and including thirty days.
12 It is in the discretion of the law enforcement agency whether and when
13 to return a firearm surrendered under this section sooner than thirty
14 days.

15 (3) A law enforcement agency must provide notice to any person
16 surrendering their firearm that the firearm may be held for up to
17 thirty days, after which a person must retrieve the firearm or make a
18 new attestation of surrender for temporary safekeeping. If a person
19 other than the owner of the firearm surrenders the firearm pursuant to
20 subsection (1)(b) of this section, the law enforcement agency must make
21 a good faith effort to send written notice to the legal owner.

22 (4) A firearm may only be reclaimed by the legal owner of the
23 firearm. A firearm not claimed within sixty days after the completion
24 of the last thirty-day safekeeping period may be disposed of in
25 accordance with agency policy for disposition of firearms.

26 (5) Before returning any firearm surrendered under this section,
27 the chief of police of a municipality or the sheriff of a county must
28 conduct a criminal history background check in accordance with agency
29 policy regarding return and transfer of firearms, to determine whether
30 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
31 a firearm, or is prohibited from possessing a firearm under federal
32 law. The issuing authority must not return a firearm to anyone who is
33 found to be prohibited from possessing a firearm under federal or state
34 law.

35 (6) The chief of police of a municipality or the sheriff of a
36 county has the authority to collect a nonrefundable fee of up to fifty
37 dollars for the background check, which must be paid upon return of the

1 firearm. Payment must be made by cash, check, or money order, or other
2 methods of payment at the discretion of the agency.

3 (7) The chief of police of a municipality or the sheriff of a
4 county, their employees, or units of local government and its
5 employees, are immune from civil liability for damages for any
6 discretionary decision to take or refuse to take into custody any
7 firearm, or to return or refuse to return any firearm as provided in
8 this section.

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