
SUBSTITUTE HOUSE BILL 1731

State of Washington

64th Legislature

2015 Regular Session

By House Judiciary (originally sponsored by Representatives Ormsby, Riccelli, Walkinshaw, Fitzgibbon, and Jenkins)

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 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 when a request for
16 notification has been made by a family or household member pursuant
17 to section 2 of this act; and

18 (d)(i) If a family or household member has requested to be
19 notified pursuant to section 2 of this act, ensure that seventy-two
20 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 has
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, as soon as it is practicable for the
8 agency.

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

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

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

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

23 (c) "Family or household member" has the same meaning as in RCW
24 26.50.010(2).

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

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

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

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

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

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