
SENATE BILL 5516

State of Washington

60th Legislature

2007 Regular Session

By Senators Stevens, Benton, Holmquist, Schoesler, Carrell, Swecker, Clements, Delvin and Roach

Read first time 01/23/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to the seizure or confiscation of firearms during
2 a state of emergency or natural disaster; adding a new section to
3 chapter 38.52 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 38.52 RCW
6 to read as follows:

7 (1) Pursuant to the second amendment to the United States
8 Constitution and Article I, section 24 of the Washington state
9 Constitution, nothing under this or any other provision of law shall be
10 construed to authorize:

11 (a) The seizure or confiscation of a firearm or ammunition during
12 an emergency or disaster, except: (i) From a person who is unlawfully
13 carrying or in unlawful possession of a firearm or ammunition, (ii)
14 when seized or confiscated as evidence in a criminal investigation, or
15 (iii) when forfeited in compliance with RCW 9.41.098; or

16 (b) The governor, any political subdivision, or any other
17 governmental authority to impose additional restrictions on the lawful
18 possession, transfer, sale, transport, carrying, storage, display, or
19 use of a firearm or ammunition during an emergency or disaster.

1 (2) In addition to any remedy provided by law or in equity, an
2 individual aggrieved by the seizure or confiscation of a firearm in
3 violation of this section may bring an action for the return of the
4 firearm in the jurisdiction in which the individual resides or in which
5 the firearm may be found. The court may award reasonable attorneys'
6 fees to the prevailing party.

7 (3) As used in this section, "firearm" has the meaning ascribed to
8 it in RCW 9.41.010.

9 NEW SECTION. **Sec. 2.** This act may be known and cited as the
10 emergency management firearm owners' protection act.

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