
HOUSE BILL 2091

State of Washington 64th Legislature 2015 Regular Session

By Representatives Shea, Taylor, Young, Scott, and Condotta

Read first time 02/11/15. Referred to Committee on Judiciary.

1 AN ACT Relating to establishing the restoration of constitutional
2 governance in Washington act; adding a new section to chapter 38.38
3 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 restoration of constitutional governance in Washington act.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.38
8 RCW to read as follows:

9 (1) Notwithstanding any treaty, federal, state, or local law or
10 authority, enacted or claimed, including, but not limited to, an
11 authorization for use of military force, a national defense
12 authorization act, or any similar law or authority enacted or claimed
13 by congress or the office of the president, it is unlawful for any
14 person to:

15 (a) Arrest or capture any person in Washington, or citizen of
16 Washington, for any detention under the law of war; or

17 (b) Actually subject a person in Washington to any disposition
18 under the law of war; or

1 (c) Use deadly force under the law of war against any person in
2 Washington, or intentionally subject any citizen of Washington for
3 targeted killing or murder.

4 (2) Subsection (1) of this section does not prohibit the
5 application of the uniform code of military justice, including
6 military detention and trial, in cases arising in the land or naval
7 forces, or in the militia, when in actual service in time of war or
8 public danger to discipline service members who have violated the
9 uniform code of military justice and laws of war.

10 (3) For the purposes of this section, the terms "arrest,"
11 "capture," "detention under the law of war," "disposition under the
12 law of war," and "law of war" have the same meanings as such terms
13 are defined in section 1021(c) of the national defense authorization
14 act.

15 (4) It is the determination of the state of Washington that
16 Washington is not a battlefield subject to the laws of war, and that
17 neither congress nor the president may constitutionally apply the
18 laws of war to any person in Washington or citizen of Washington who
19 is not serving in the land or naval forces, or in the militia, when
20 in actual service in time of war or public danger.

21 (5) Any person in violation of this section shall be prosecuted
22 under the Washington criminal code including, but not limited to, the
23 crime of assault, battery, kidnapping, or murder, as applicable.

--- END ---