

RCW 9.41.340 Return of privately owned firearm by law enforcement agency—Notification—Exception—Exemption from public disclosure—Civil liability—Liability for request based on false information. (1) (a) Each law enforcement agency shall develop a notification protocol that:

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires notification to any person identified in a no-contact order, restraining order, or protection order and any identified victim of the crime that resulted in the firearm surrender.

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

(ii) If a law enforcement agency is in possession of more than one privately owned firearm from an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

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

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175. [2023 c 462 § 401; 2020 c 29 § 5; 2015 c 130 § 1.]

Effective date—2020 c 29: See note following RCW 7.77.060.

Short title—2015 c 130: "This act may be known and cited as the Sheena Henderson act." [2015 c 130 § 3.]