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HOUSE BILL 2362

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Roach, Ericks, Strow and O'Brien

Read first time 02/26/2007. Referred to Committee on Public Safety & Emergency Preparedness.

1            AN ACT Relating to prohibiting the possession of body armor by  
2 felons; adding a new chapter to Title 9 RCW; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6            (1) "Body armor" means any clothing or equipment designed in whole  
7 or in part to minimize the risk of injury from a deadly weapon.

8            (2) "Criminal homicide" is murder, manslaughter, or criminally  
9 negligent homicide and is committed by a person if, without  
10 justification or excuse, the person intentionally, knowingly,  
11 recklessly, or with criminal negligence causes the death of another  
12 human being.

13            (3) "Deadly weapon" means any instrument, article, or substance  
14 specifically designed for and presently capable of causing death or  
15 serious physical injury.

16            NEW SECTION.    **Sec. 2.** (1) A person commits the crime of felon in  
17 possession of body armor if the person:

1 (a) Has been convicted of a felony involving violence under the law  
2 of any state or the United States; and

3 (b) Knowingly is in possession or control of body armor.

4 (2) Felon in possession of body armor is a class C felony.

5 (3) For purposes of subsection (1) of this section, a person who  
6 has been found to be within the jurisdiction of a juvenile court for  
7 having committed an act that would constitute a felony involving  
8 violence has been convicted of a felony involving violence.

9 (4) Subsection (1) of this section does not apply to:

10 (a) A person who is wearing body armor provided by a peace officer  
11 for the person's safety or protection while the person is being  
12 transported or accompanied by a peace officer; or

13 (b) A person who has been convicted of only one felony under the  
14 law of this state or any other state, or who has been convicted of only  
15 one felony under the law of the United States, for which the felony did  
16 not involve criminal homicide as defined in section 1 of this act, and  
17 who has been discharged from imprisonment, parole, or probation for the  
18 offense for a period of fifteen years prior to the date of the alleged  
19 violation of subsection (1) of this section.

20 (5) It is an affirmative defense to a charge of violating  
21 subsection (1) of this section that a protective order or restraining  
22 order has been entered to the benefit of the person. The affirmative  
23 defense created by this subsection is not available if the person  
24 possesses the body armor while committing or attempting to commit a  
25 crime.

26 NEW SECTION. **Sec. 3.** (1) A person commits the crime of unlawful  
27 possession of body armor if the person, while committing or attempting  
28 to commit a felony or misdemeanor involving violence, knowingly:

29 (a) Wears body armor; and

30 (b) Possesses a deadly weapon.

31 (2) Unlawful possession of body armor is a class B felony.

32 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
33 a new chapter in Title 9 RCW.

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