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**SENATE BILL 5381**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Billig, Frockt, Pedersen, Kohl-Welles, Rolfes, Liias, Nelson, Fraser, Cleveland, McCoy, and McAuliffe

AN ACT Relating to creating a protocol for the return of firearms in the possession of law enforcement agencies; adding a new section to chapter 9.41 RCW; adding a new section to chapter 36.28A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  A new section is added to chapter 9.41 RCW to read as follows:

Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(1) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(2) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(3) Provide notice pursuant to section 2 of this act; and

(4) Ensure that seventy-two hours have elapsed from the time:

(a) The firearm was requested to be returned if no request for notification has been made pursuant to section 2 of this act; or

(b) Notification has been received pursuant to section 2 of this act if a person has requested to be notified.

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

(1) Each law enforcement agency shall develop a notification protocol that allows a family or household member 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.

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

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

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

(2) 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 the automated notification system, so long as the release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

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

**--- END ---**