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**HOUSE BILL 1004**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Shea, Taylor, McCaslin, MacEwen, Buys, Haler, and Young

AN ACT Relating to protecting the constitutionally guaranteed right to the lawful possession of firearms during a state of emergency; amending RCW 43.06.220; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that: (a) The United States Constitution, Amendment II, guarantees that, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed"; (b) the Washington state Constitution, Article I, section 24, guarantees that, "The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired..."; (c) the constitutionally protected right to bear arms is an individual right intended to ensure that society and law-abiding persons remain protected from criminal aggressors within their homes, neighborhoods, and communities; (d) law-abiding citizens who are attacked in a place where they have a right to be have no duty to retreat and have the right to stand their ground and meet force with defensive force, including deadly force in certain circumstances; (e) law-abiding persons must be able to protect themselves, their families, and others from criminal intruders and attackers without fear of prosecution for acting in the lawful defense of themselves, their families, and others; and (f) law-abiding citizens should not be required to surrender their constitutional right to bear arms and thereby surrender their personal safety and well-being to criminal aggressors at any time, but especially during a state of emergency when law and order is at a much higher risk of breaking down, law enforcement resources are frequently strapped, and criminal predators are much more free to prey on those unable to adequately protect themselves and their families.

(2) It is the intent of the legislature that, during the continuance of any proclaimed state of emergency, no person or business who is not otherwise prohibited by law from the possession, transfer, sale, transport, storage, display, or use of firearms or ammunition shall be prohibited or restricted by either the governor or any governmental entity or political subdivision of the state from the otherwise lawful possession, transfer, sale, transport, storage, display, or use of firearms or ammunition.

**Sec.**  RCW 43.06.220 and 2008 c 181 s 1 are each amended to read as follows:

(1) The governor, after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation, issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession, or transportation of a molotov cocktail or any other device, instrument, or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing, or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use, or legitimate commercial use;

(e) ((~~The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;~~

~~(f)~~)) The sale, purchase, or dispensing of alcoholic beverages;

((~~(g)~~)) (f) The sale, purchase, or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace;

((~~(h)~~)) (g) The use of certain streets, highways, or public ways by the public; and

((~~(i)~~)) (h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in any or all of the following areas as further specified and limited by chapter 181, Laws of 2008:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes; and

(f) Permits for industrial, business, or medical uses of alcohol.

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions, and in such areas of this state he or she from time to time deems necessary.

(4) During the continuance of any state of emergency, neither the governor nor any governmental entity or political subdivision of the state shall impose any restriction on the possession, transfer, sale, transport, storage, display, or use of firearms or ammunition that is otherwise authorized or guaranteed by law.

(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

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