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**HOUSE BILL 2223**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Walsh and Young

AN ACT Relating to the liability of an individual or entity that prohibits the possession of firearms on property owned by, or under the control of, the individual or entity; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 4.24 RCW to read as follows:

(1) Any individual or entity, including any governmental entity, that prohibits a person who is lawfully eligible to possess firearms from carrying a firearm onto property owned by, or under the control of, such individual or entity assumes absolute custodial responsibility for the safety and defense of the person against any unlawful or reckless act by another person, or any attack by a vicious or wild animal, while on the individual's or entity's property or on any property that the person is required to traverse in order to travel to and from the property on which firearms are prohibited and the location where the person's firearm is stored.

(2) The responsibility of the individual or entity under subsection (1) of this section extends to the conduct of other invitees, trespassers, employees of the individual or entity, vicious animals, and wild animals.

(3) An individual or entity that prohibits the possession of firearms on property owned by or under the control of the individual or entity is liable to any person who suffers bodily injury or death, incurs economic loss or expense, or incurs property damage or any other compensable loss as the result of an unlawful or reckless act by another person, or an attack by a vicious or wild animal, that occurs on the property of the individual or entity, or on any property that the person is required to traverse in order to travel to and from the property on which firearms are prohibited and the location where the person's firearm is stored, if the plaintiff shows by a preponderance of the evidence that:

(a) The plaintiff was lawfully eligible to possess a firearm at the time of the incident giving rise to the cause of action;

(b) The individual or entity prohibited the plaintiff from carrying a firearm on the individual's or entity's property;

(c) The individual or entity was not required to prohibit the carrying of a firearm on its property pursuant to state or federal law;

(d) The injury, loss, or damage occurred while the plaintiff was prevented from carrying a firearm due to the prohibition by the individual or entity;

(e) The injury, loss, or damage resulted directly or indirectly from an unlawful or reckless act by another person, or from an attack by a vicious or wild animal, that could reasonably have been prevented by the plaintiff but for the individual's or entity's prohibition on the possession of firearms on the property.

(5) A person who prevails in an action under this section is entitled to an award of reasonable attorneys' fees, court costs, expert witness costs, and other costs necessary to bring the cause of action.

**--- END ---**