
HOUSE BILL 2036

State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert, Sutherland, and Jacobsen

Read first time 01/18/22. Referred to Committee on Public Safety.

1 AN ACT Relating to modifying the restrictions on the use and
2 acquisition of certain equipment by law enforcement agencies;
3 amending RCW 10.116.040; and declaring an emergency.

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

5 **Sec. 1.** RCW 10.116.040 and 2021 c 320 s 5 are each amended to
6 read as follows:

7 (1) A law enforcement agency may not acquire or use any
8 ~~((military))~~ prohibited equipment. Any law enforcement agency in
9 possession of ~~((military))~~ prohibited equipment as of July 25, 2021,
10 shall return ~~((the equipment to the federal agency from which it was~~
11 ~~acquired, if applicable, or))~~, destroy, or otherwise dispose of the
12 equipment by December 31, 2022.

13 ~~((a))~~ Each law enforcement agency shall compile an inventory
14 of military equipment possessed by the agency, including the proposed
15 use of the equipment, estimated number of times the equipment has
16 been used in the prior year, and whether such use is necessary for
17 the operation and safety of the agency or some other public safety
18 purpose. The agency shall provide the inventory to the Washington
19 association of sheriffs and police chiefs no later than November 1,
20 2021.

1 ~~(b) The Washington association of sheriffs and police chiefs~~
2 ~~shall summarize the inventory information from each law enforcement~~
3 ~~agency and provide a report to the governor and the appropriate~~
4 ~~committees of the legislature no later than December 31, 2021.~~

5 ~~(3))~~ For the purposes of this section:

6 (a) (~~"Military equipment" means firearms and ammunition of .50~~
7 ~~caliber or greater, machine guns, armed helicopters, armed or armored~~
8 ~~drones, armed vessels, armed vehicles, armed aircraft, tanks, long~~
9 ~~range acoustic hailing devices, rockets, rocket launchers, bayonets,~~
10 ~~grenades, missiles, directed energy systems, and electromagnetic~~
11 ~~spectrum weapons.~~

12 ~~(b))~~ "Grenade" refers to any explosive grenade designed to
13 injure or kill subjects, such as a fragmentation grenade or antitank
14 grenade, or any incendiary grenade designed to produce intense heat
15 or fire. "Grenade" does not include other nonexplosive grenades
16 designed to temporarily incapacitate or disorient subjects without
17 causing permanent injury, such as a stun grenade, sting grenade,
18 smoke grenade, tear gas grenade, or blast ball.

19 (b) "Machine gun" has the same meaning as defined in RCW
20 9.41.010. A firearm that was previously a "machine gun" that has
21 since been permanently modified to no longer meet the capabilities of
22 a "machine gun" as defined in RCW 9.41.010 shall not be considered a
23 "machine gun."

24 (c) "Prohibited equipment" means rifles of .50 caliber or
25 greater, machine guns, armed helicopters, armed or armored drones,
26 armed vessels, armed vehicles, armed aircraft, tanks, long range
27 acoustic hailing devices, rockets, rocket launchers, bayonets,
28 grenades, missiles, directed energy systems, and electromagnetic
29 spectrum weapons.

30 (d) "Rifle" has the same meaning as provided under RCW 9.41.010,
31 except "rifle" does not refer to any device designed or used to
32 deploy less lethal equipment.

33 (4) This section does not prohibit a law enforcement agency from
34 participating in a federal military equipment surplus program,
35 provided that any equipment acquired through the program does not
36 constitute (~~military~~) prohibited equipment. This may include, for
37 example: Medical supplies; hospital and health care equipment; office
38 supplies, furniture, and equipment; school supplies; warehousing
39 equipment; unarmed vehicles and vessels; conducted energy weapons;

1 public address systems; scientific equipment; and protective gear and
2 weather gear.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of
5 the state government and its existing public institutions, and takes
6 effect immediately.

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