
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-1890.1/99

ATTY/TYPIST: JM:rmh

BRIEF TITLE:

2 **HB 1352** - H COMM AMD **NOT ADOPTED 03/04/99**
3 By Committee on Judiciary

4

5 On page 6, after line 3, insert the following:

6 "Sec. 2. RCW 9.41.800 and 1996 c 295 s 14 are each amended to read
7 as follows:

8 (1) Any court when entering an order authorized under RCW
9 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
10 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
11 shall, upon a showing by clear and convincing evidence, that a party
12 has: Used, displayed, or threatened to use a firearm or other
13 dangerous weapon in a felony, or previously committed any offense that
14 makes him or her ineligible to possess a firearm under the provisions
15 of RCW 9.41.040:

16 (a) Require the party to surrender any firearm or other dangerous
17 weapon;

18 (b) Require the party to surrender any concealed pistol license
19 issued under RCW 9.41.070;

20 (c) Prohibit the party from obtaining or possessing a firearm or
21 other dangerous weapon;

22 (d) Prohibit the party from obtaining or possessing a concealed
23 pistol license.

24 (2) Any court when entering an order authorized under RCW
25 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
26 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
27 may, upon a showing by a preponderance of the evidence but not by clear
28 and convincing evidence, that a party has: Used, displayed, or
29 threatened to use a firearm or other dangerous weapon in a felony, or
30 previously committed any offense that makes him or her ineligible to
31 possess a pistol under the provisions of RCW 9.41.040:

32 (a) Require the party to surrender any firearm or other dangerous
33 weapon;

34 (b) Require the party to surrender a concealed pistol license
35 issued under RCW 9.41.070;

1 (c) Prohibit the party from obtaining or possessing a firearm or
2 other dangerous weapon;

3 (d) Prohibit the party from obtaining or possessing a concealed
4 pistol license.

5 (3) The court may order temporary surrender of a firearm or other
6 dangerous weapon without notice to the other party if it finds, on the
7 basis of the moving affidavit or other evidence, that irreparable
8 injury could result if an order is not issued until the time for
9 response has elapsed.

10 (4) In addition to the provisions of subsections (1), (2), and (3)
11 of this section, the court may enter an order requiring a party to
12 comply with the provisions in subsection (1) of this section if it
13 finds that the possession of a firearm or other dangerous weapon by any
14 party presents a serious and imminent threat to public health or
15 safety, or to the health or safety of any individual.

16 (5) The requirements of subsections (1), (2), and (4) of this
17 section may be for a period of time less than the duration of the
18 order.

19 (6) The court may require the party to surrender any firearm or
20 other dangerous weapon in his or her immediate possession or control or
21 subject to his or her immediate possession or control to the sheriff of
22 the county having jurisdiction of the proceeding, the chief of police
23 of the municipality having jurisdiction, or to the restrained or
24 enjoined party's counsel or to any person designated by the court.

25 (7) Any court when entering an order authorized under RCW
26 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
27 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
28 shall inform the party who requested the order how to apply for a
29 temporary emergency concealed pistol license under RCW 9.41.070."

30 Correct the title.

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