
HOUSE BILL 1665

State of Washington 58th Legislature 2003 Regular Session

By Representatives Lovick, Delvin, Simpson and O'Brien

Read first time 02/04/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to temporary orders involving law enforcement
2 officers as respondents; and amending RCW 9.41.800.

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

4 **Sec. 1.** RCW 9.41.800 and 2002 c 302 s 704 are each amended to read
5 as follows:

6 (1) Any court when entering an order authorized under RCW
7 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
8 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590
9 shall, upon a showing by clear and convincing evidence, that a party
10 has: Used, displayed, or threatened to use a firearm or other
11 dangerous weapon in a felony, or previously committed any offense that
12 makes him or her ineligible to possess a firearm under the provisions
13 of RCW 9.41.040:

14 (a) Require the party to surrender any firearm or other dangerous
15 weapon;

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

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

1 (d) Prohibit the party from obtaining or possessing a concealed
2 pistol license.

3 (2) Any court when entering an order authorized under RCW
4 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
5 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590
6 may, upon a showing by a preponderance of the evidence but not by clear
7 and convincing evidence, that a party has: Used, displayed, or
8 threatened to use a firearm or other dangerous weapon in a felony, or
9 previously committed any offense that makes him or her ineligible to
10 possess a pistol under the provisions of RCW 9.41.040:

11 (a) Require the party to surrender any firearm or other dangerous
12 weapon;

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

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

17 (d) Prohibit the party from obtaining or possessing a concealed
18 pistol license.

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

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

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

33 (6) The court may require the party to surrender any firearm or
34 other dangerous weapon in his or her immediate possession or control or
35 subject to his or her immediate possession or control to the sheriff of
36 the county having jurisdiction of the proceeding, the chief of police
37 of the municipality having jurisdiction, or to the restrained or
38 enjoined party's counsel or to any person designated by the court.

1 (7) If the respondent in any request for a temporary order under
2 this section is a general authority or limited authority Washington
3 peace officer, no temporary order issued by the court in advance of a
4 full hearing shall require such officer to surrender any firearm or
5 other weapon issued to the officer to perform his or her official
6 duties.

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