
**Public Safety & Emergency
Preparedness Committee**

HB 2711

Brief Description: Prohibiting certain convicted felons from possessing body armor.

Sponsors: Representatives Roach, Hurst, Loomis and Kelley.

Brief Summary of Bill

- Creates the crime of unlawful possession of body armor as an unranked class C felony offense.

Hearing Date: 1/21/08

Staff: Yvonne Walker (786-7841).

Background:

Body armor, sometimes called a bullet-proof vest, is generally a bullet resistant metal or other material worn by persons such as law enforcement officers and military personnel to provide protection from weapons or bodily injury. Washington law does not prohibit the possession of body armor.

Unranked Felonies. The maximum penalty for an unranked felony offense is 12 months of imprisonment in jail. The sentence may also include community service, legal financial obligations, a term of community supervision, and a fine.

Summary of Bill:

A person who is knowingly in possession of body armor and has been convicted of a violent offense is guilty of unlawful possession of body armor. The crime of unlawful possession of body armor is an unranked class C felony offense.

It is an affirmative defense, which a defendant has the burden to prove by a preponderance of the evidence, that:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- A peace officer, acting in the officer's official capacity, provided the body armor to the person for his or her protection while the person was being transported or accompanied by the officer;
- A protective or restraining order has been entered for the benefit of the person and the possession of body armor did not take place while the person was committing or attempting to commit any crime; or
- The violent offense (with the exception of an offense involving murder in the first degree, murder in the second degree, homicide by abuse, manslaughter in the first degree, or manslaughter in the second degree) was committed at least 15 years prior to the alleged current violation the unlawful possession of body armor offense and the person has not been convicted of any felonies during the 15 years. This affirmative defense is not available if the violent offense was murder in the first degree, murder in the second degree, homicide by abuse, manslaughter in the first degree, or manslaughter in the second degree.

Body armor is defined as, any clothing or equipment designed to minimize the risk of injury or death from a deadly weapon.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.