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HOUSE BILL 2711

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Roach, Hurst, Loomis, and Kelley

Read first time 01/16/08. Referred to Committee on Public Safety & Emergency Preparedness.

1            AN ACT Relating to prohibiting certain convicted felons from  
2 possessing body armor; adding a new chapter to Title 9A RCW; and  
3 prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7            (1) "Body armor" means any clothing or equipment designed, in whole  
8 or in part, to minimize the risk of injury or death from a deadly  
9 weapon.

10           (2) "Peace officer" has the same meaning as in RCW 43.101.010.

11           (3) "Violent offense" has the same meaning as in RCW 9.94A.030.

12           NEW SECTION.    **Sec. 2.** (1) A person is guilty of unlawful  
13 possession of body armor if he or she:

14           (a) Has been convicted of a violent offense; and

15           (b) Is knowingly in possession of body armor.

16           (2) Unlawful possession of body armor is a class C felony.

17           (3) It is an affirmative defense to a violation of this section,

1 which a defendant has the burden to prove by a preponderance of the  
2 evidence, that:

3 (a) A peace officer, acting in the officer's official capacity,  
4 provided the body armor to the person for his or her protection while  
5 the person was being transported or accompanied by the officer;

6 (b) A protective or restraining order has been entered for the  
7 benefit of the person and the alleged possession of body armor did not  
8 occur while the person was committing or attempting to commit any  
9 crime; or

10 (c) The violent offense was committed at least fifteen years prior  
11 to the alleged violation of this section and the person has not been  
12 convicted of any felonies during the fifteen years. The affirmative  
13 defense provided in this subsection (3)(c) is not available if the  
14 violent offense was murder in the first degree, murder in the second  
15 degree, homicide by abuse, manslaughter in the first degree, or  
16 manslaughter in the second degree.

17 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a  
18 new chapter in Title 9A RCW.

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