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**SUBSTITUTE SENATE BILL 5381**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Billig, Frockt, Pedersen, Kohl-Welles, Rolfes, Liias, Nelson, Fraser, Cleveland, McCoy, and McAuliffe)

AN ACT Relating to creating a protocol for the return of firearms in the possession of law enforcement agencies; adding a new section to chapter 9.41 RCW; adding a new section to chapter 36.28A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  A new section is added to chapter 9.41 RCW to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Provide notice within one business day of an individual requesting return of his or her firearm when a request for notification has been made by a family or household member pursuant to section 2 of this act; and

(d)(i) If a family or household member has requested to be notified pursuant to section 2 of this act, ensure that seventy-two hours have elapsed from the time notification has been provided; or

(ii) If no request for notification has been made pursuant to section 2 of this act, ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2) Once the requirements in subsection (1) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request.

NEW SECTION. **Sec.**  A new section is added to chapter 36.28A RCW to read as follows:

(1) Each law enforcement agency shall develop a notification protocol that allows a family or household member to use an incident or case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person.

(a) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

(b) If a law enforcement agency is in possession of more than one privately owned firearm from a single person, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(c) "Family or household member" has the same meaning as in RCW 26.50.010(2).

(2) A law enforcement agency shall not release the information provided in this section to any party other than a family or household member who has an incident or case number and who has requested to be notified pursuant to this section.

(3) The information provided in this section is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

NEW SECTION. **Sec.**  This act may be known and cited as the Sheena Henderson act.

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