

SSB 5381 - H COMM AMD
By Committee on Judiciary

ADOPTED 4/8/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41
4 RCW to read as follows:

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

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

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

17 (c) "Family or household member" has the same meaning as in RCW
18 26.50.010.

19 (2) A law enforcement agency shall not provide notification to
20 any party other than a family or household member who has an incident
21 or case number and who has requested to be notified pursuant to this
22 section or another criminal justice agency.

23 (3) The information provided by a family or household member
24 pursuant to this act, including the existence of the request for
25 notification, is not subject to public disclosure pursuant to chapter
26 42.56 RCW.

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

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

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
5 to read as follows:

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

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

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

13 (c) Ensure that the firearm is not otherwise required to be held
14 in custody or otherwise prohibited from being released; and

15 (d) Ensure that twenty-four hours have elapsed from the time the
16 firearm was obtained by law enforcement.

17 (2)(a) Once the requirements in subsections (1) and (3) of this
18 section have been met, a law enforcement agency must release a
19 firearm to the individual from whom it was obtained or an authorized
20 representative of that person upon request without unnecessary delay.

21 (b)(i) If a firearm cannot be returned because it is required to
22 be held in custody or is otherwise prohibited from being released, a
23 law enforcement agency must provide written notice to the individual
24 from whom it was obtained within five business days of the individual
25 requesting return of his or her firearm and specify the reason the
26 firearm must be held in custody.

27 (ii) Notification may be made via email, text message, mail
28 service, or personal service. For methods other than personal
29 service, service shall be considered complete once the notification
30 is sent.

31 (3) If a family or household member has requested to be notified
32 pursuant to section 1 of this act, a law enforcement agency must:

33 (a) Provide notice to the family or household member within one
34 business day of verifying that the requirements in subsection (1) of
35 this section have been met; and

36 (b) Hold the firearm in custody for seventy-two hours from the
37 time notification has been provided.

1 NEW SECTION. **Sec. 3.** This act may be known and cited as the
2 Sheena Henderson act."

3 Correct the title.

EFFECT: The striking amendment makes the following changes:

(1) Provides that the information that is not subject to public records act disclosure is the information provided by the family or household member rather than the information provided under the notification section, and provides that the existence of a request for notification from a family or household member also is not disclosable.

(2) Specifies that a law enforcement agency may provide notification information to other law enforcement agencies.

(3) Adds another criteria that must be met before a law enforcement agency may return a firearm by requiring the law enforcement agency to ensure that the firearm is not required to be held in custody or otherwise prohibited from being released.

(4) Provides that if a firearm must be held, the law enforcement agency must provide written notice to the individual from whom it was obtained specifying the reason for the hold within five business days of the individual requesting return of the firearm.

(5) Provides that the notification to a family or household member must occur within one business day of verifying that all other requirements for return of the firearm have been met, rather than within one business day of the request for return of the firearm.

(6) Requires the law enforcement agency to return a firearm "without unnecessary delay" once all requirements for return of the firearm have been met.

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