
HOUSE BILL 2974

State of Washington 64th Legislature 2016 Regular Session

By Representatives Shea, Taylor, Young, Scott, McCaslin, and Condotta

Read first time 02/05/16. Referred to Committee on Judiciary.

1 AN ACT Relating to prohibiting the confiscation of an
2 individual's private real and personal property during an emergency;
3 and adding new sections to chapter 38.52 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.52
6 RCW to read as follows:

7 The legislature finds that the citizens of this state have not
8 only the right to be free from the mere physical restraint of their
9 person, but have the right to be free to lawfully acquire real and
10 personal property and to use such property in all lawful ways as they
11 see fit, to be free in the enjoyment of all their natural faculties
12 and to use them in all lawful ways as they see fit, to live and work
13 where they will, and to pursue any lawful livelihood or avocation of
14 their choosing in order to earn their livelihood, and that for these
15 purposes citizens have the right to be free to enter into all
16 contracts that may be proper, necessary, and essential to their
17 carrying out these purposes to a successful conclusion in their
18 pursuit of happiness. The legislature further finds that liberty and
19 private property rights have been historically abridged during
20 emergencies and remain vulnerable to further erosion during future
21 crises, that attempts to restrain the abuse of emergency powers have

1 not eliminated the ratcheting effect of actual or purported
2 emergencies in augmenting governmental power, and that there is a
3 compelling state interest in forestalling the threat to liberty and
4 private property rights inherent in the emergency psychology in and
5 its exploitation by governmental officials.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52
7 RCW to read as follows:

8 (1) No agency of the state or political subdivision of the state,
9 or any officer, employee, or agent of the state or political
10 subdivision of the state, or any person operating pursuant to or
11 under color of state law, or receiving state funds, or under control
12 of any state official, while acting in support of relief from a major
13 disaster or emergency, may:

14 (a) Temporarily or permanently seize, or authorize seizure of,
15 the real and personal property of a private individual; or

16 (b) Prohibit the possession or use of any real and personal
17 property of a private individual, or adopt any rule, regulation, or
18 order prohibiting the possession or use of any real and personal
19 property of a private individual, in any place or by any person where
20 such possession is or is not otherwise prohibited by codified law
21 consistent with the plain meaning and original understanding and
22 practice of the drafters and ratifiers as best as can be determined
23 any legal precedent to the contrary notwithstanding.

24 (2) Any individual aggrieved by a violation of this section may
25 seek relief in an action at law, suit in equity, or other proper
26 proceeding for redress against any person who subjects such
27 individual, or causes such individual to be subjected, to the
28 deprivation of any of the rights, privileges, or immunities secured
29 by this section.

30 (3) In addition to any existing remedy in law or equity, under
31 any law, an individual aggrieved by the seizure or confiscation of
32 the individual's private real or personal property in violation of
33 this section may bring an action for return of property in the
34 superior court of the county or in which that individual resides or
35 in which such property may be located or found.

36 (4) In any action or proceeding to enforce this section, the
37 court shall award the prevailing party, other than the state or

1 political subdivision of the state, costs and reasonable attorneys'
2 fees.

--- END ---