

**HB 2305 - H AMD 1251**

By Representative Chambers

**NOT ADOPTED 02/14/2020**

1 On page 1, beginning on line 5, strike all of section 1 and insert  
2 the following:

3  
4 **"Sec. 1.** RCW 9.41.800 and 2019 c 245 s 1 are each amended to read  
5 as follows:

6 (1) Any court when entering an order authorized under chapter 7.92  
7 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
8 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,  
9 26.50.070, or 26.26A.470 shall, upon a showing by clear and convincing  
10 evidence, that a party has: Used, displayed, or threatened to use a  
11 firearm or other dangerous weapon in a felony, or is ineligible to  
12 possess a firearm under the provisions of RCW 9.41.040:

13 (a) Require that the party immediately surrender all firearms and  
14 other dangerous weapons;

15 (b) Require that the party immediately surrender any concealed  
16 pistol license issued under RCW 9.41.070;

17 (c) Prohibit the party from accessing, obtaining, or possessing  
18 any firearms or other dangerous weapons;

19 (d) Prohibit the party from obtaining or possessing a concealed  
20 pistol license.

21 (2) Any court when entering an order authorized under chapter 7.92  
22 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
23 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,  
24 26.50.070, or 26.26A.470 may, upon a showing by a preponderance of the  
25 evidence but not by clear and convincing evidence, that a party has:  
26 Used, displayed, or threatened to use a firearm or other dangerous  
27

1 weapon in a felony, or is ineligible to possess a firearm under the  
2 provisions of RCW 9.41.040:

3 (a) Require that the party immediately surrender all firearms and  
4 other dangerous weapons;

5 (b) Require that the party immediately surrender a concealed  
6 pistol license issued under RCW 9.41.070;

7 (c) Prohibit the party from accessing, obtaining, or possessing  
8 any firearms or other dangerous weapons;

9 (d) Prohibit the party from obtaining or possessing a concealed  
10 pistol license.

11 (3) During any period of time that the person is subject to a  
12 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,  
13 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that:

14 (a) Was issued after a hearing of which the person received actual  
15 notice, and at which the person had an opportunity to participate;

16 (b) Restrains the person from harassing, stalking, or threatening  
17 an intimate partner of the person or child of the intimate partner or  
18 person, or engaging in other conduct that would place an intimate  
19 partner in reasonable fear of bodily injury to the partner or child;  
20 and

21 (c)(i) Includes a finding that the person represents a credible  
22 threat to the physical safety of the intimate partner or child; and

23 (ii) By its terms, explicitly prohibits the use, attempted use, or  
24 threatened use of physical force against the intimate partner or child  
25 that would reasonably be expected to cause bodily injury, the court  
26 shall:

27 (A) Require that the party immediately surrender all firearms and  
28 other dangerous weapons;

29 (B) Require that the party immediately surrender a concealed  
30 pistol license issued under RCW 9.41.070;

31 (C) Prohibit the party from accessing, obtaining, or possessing  
32 any firearms or other dangerous weapons; and

33 (D) Prohibit the party from obtaining or possessing a concealed  
34 pistol license.

1       (4) Any court when entering an order authorized under chapter  
2 74.34 RCW shall, upon written findings and a showing by clear and  
3 convincing evidence, and may, upon written findings and a showing by a  
4 preponderance of the evidence, that a party has: Used, displayed, or  
5 threatened to use a firearm or other dangerous weapon in the  
6 abandonment, abuse, financial exploitation, or neglect of the  
7 vulnerable adult:

8       (a) Require that the party immediately surrender all firearms and  
9 other dangerous weapons;

10       (b) Require that the party immediately surrender any concealed  
11 pistol license issued under RCW 9.41.070;

12       (e) Prohibit the party from accessing, obtaining, or possessing  
13 any firearms or other dangerous weapons;

14       (d) Prohibit the party from obtaining or possessing a concealed  
15 pistol license.

16       (5) The court may order temporary surrender of all firearms and  
17 other dangerous weapons, and any concealed pistol license, without  
18 notice to the other party if it finds, on the basis of the moving  
19 affidavit or other evidence, that irreparable injury could result if  
20 an order is not issued until the time for response has elapsed.

21       (~~(5)~~) (6) In addition to the provisions of subsections (1), (2),  
22 (~~and~~) (4), and (5) of this section, the court may enter an order  
23 requiring a party to comply with the provisions in subsection (1) of  
24 this section if it finds that the possession of a firearm or other  
25 dangerous weapon by any party presents a serious and imminent threat  
26 to public health or safety, or to the health or safety of any  
27 individual.

28       (~~(6)~~) (7) The requirements of subsections (1), (2), (4), and (5)  
29 of this section may be for a period of time less than the duration of  
30 the order.

31       (~~(7)~~) (8) The court may require the party to surrender all  
32 firearms and other dangerous weapons in his or her immediate  
33 possession or control or subject to his or her immediate possession or  
34 control, and any concealed pistol license issued under RCW 9.41.070,

1 to the local law enforcement agency. Law enforcement officers shall  
2 use law enforcement databases to assist in locating the respondent in  
3 situations where the protected person does not know where the  
4 respondent lives or where there is evidence that the respondent is  
5 trying to evade service.

6 ((+8+)) (9) If the court enters a protection order, restraining  
7 order, or no-contact order that includes an order to surrender  
8 firearms, dangerous weapons, and any concealed pistol license under  
9 this section, the order must be served by a law enforcement officer."

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EFFECT: Limits the circumstances under which a court may order  
a respondent under a vulnerable adult protection order to surrender  
firearms, dangerous weapons, and any concealed pistol license to  
cases where the court makes written findings that the person used,  
displayed, or threatened to use a firearm or dangerous weapon in the  
abandonment, abuse, financial exploitation, or neglect of the  
vulnerable adult.

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