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**HOUSE BILL 1634**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Klippert, Chase, Graham, Sutherland, Kraft, Volz, Griffey, and Young

Prefiled 12/13/21. Read first time 01/10/22. Referred to Committee on Public Safety.

1 AN ACT Relating to clarifying the authority of law enforcement  
2 officers to acquire, possess, and use certain firearms and  
3 ammunition; amending RCW 10.116.040; and declaring an emergency.

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

5 **Sec. 1.** RCW 10.116.040 and 2021 c 320 s 5 are each amended to  
6 read as follows:

7 (1) A law enforcement agency may not acquire or use any military  
8 equipment. Any law enforcement agency in possession of military  
9 equipment as of July 25, 2021, shall return the equipment to the  
10 federal agency from which it was acquired, if applicable, or destroy  
11 the equipment by December 31, 2022.

12 (2)(a) Each law enforcement agency shall compile an inventory of  
13 military equipment possessed by the agency, including the proposed  
14 use of the equipment, estimated number of times the equipment has  
15 been used in the prior year, and whether such use is necessary for  
16 the operation and safety of the agency or some other public safety  
17 purpose. The agency shall provide the inventory to the Washington  
18 association of sheriffs and police chiefs no later than November 1,  
19 2021.

20 (b) The Washington association of sheriffs and police chiefs  
21 shall summarize the inventory information from each law enforcement

1 agency and provide a report to the governor and the appropriate  
2 committees of the legislature no later than December 31, 2021.

3 (3) For the purposes of this section:

4 (a) "Military equipment" means (~~(firearms and ammunition)~~) rifles  
5 of .50 caliber or greater, machine guns, armed helicopters, armed or  
6 armored drones, armed vessels, armed vehicles, armed aircraft, tanks,  
7 long range acoustic hailing devices, rockets, rocket launchers,  
8 bayonets, grenades, missiles, directed energy systems, and  
9 electromagnetic spectrum weapons.

10 (b) "Grenade" refers to any explosive grenade designed to injure  
11 or kill subjects, such as a fragmentation grenade or antitank  
12 grenade, or any incendiary grenade designed to produce intense heat  
13 or fire. "Grenade" does not include other nonexplosive grenades  
14 designed to temporarily incapacitate or disorient subjects without  
15 causing permanent injury, such as a stun grenade, sting grenade,  
16 smoke grenade, tear gas grenade, or blast ball.

17 (4) This section does not prohibit a law enforcement agency from  
18 participating in a federal military equipment surplus program,  
19 provided that any equipment acquired through the program does not  
20 constitute military equipment. This may include, for example: Medical  
21 supplies; hospital and health care equipment; office supplies,  
22 furniture, and equipment; school supplies; warehousing equipment;  
23 unarmed vehicles and vessels; conducted energy weapons; public  
24 address systems; scientific equipment; and protective gear and  
25 weather gear.

26 (5) Nothing in this section may be construed as prohibiting or  
27 restricting the acquisition or use of less lethal alternatives by law  
28 enforcement agencies.

29 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of  
31 the state government and its existing public institutions, and takes  
32 effect immediately.

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