
HOUSE BILL 1832

State of Washington 61st Legislature 2009 Regular Session

By Representatives Herrera, Blake, Orcutt, Takko, Short, McCune, Kristiansen, Hope, and Pearson

Read first time 01/30/09. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting the constitutionally guaranteed right
2 to the lawful possession of firearms during an emergency; amending RCW
3 43.06.220; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that: (a)
6 The United States Constitution, amendment II, guarantees that, "A
7 well-regulated militia being necessary to the security of a free state,
8 the right of the people to keep and bear arms, shall not be infringed";
9 (b) the Washington state Constitution, article I, section 24,
10 guarantees that, "The right of the individual citizen to bear arms in
11 defense of himself, or the state, shall not be impaired..."; (c) the
12 constitutionally protected right to bear arms is an individual right
13 intended to ensure that society and law-abiding persons remain
14 protected from criminal aggressors within their homes, neighborhoods,
15 and communities; (d) law-abiding citizens who are attacked in a place
16 where they have a right to be have no duty to retreat and have the
17 right to stand their ground and meet force with defensive force,
18 including deadly force in certain circumstances; (e) law-abiding
19 persons must be able to protect themselves, their families, and others

1 from criminal intruders and attackers without fear of prosecution for
2 acting in the lawful defense of themselves, their families, and others;
3 and (f) law-abiding citizens should not be required to surrender their
4 constitutional right to bear arms and thereby surrender their personal
5 safety and well-being to criminal aggressors at any time, but
6 especially during a state of emergency when law and order is at a much
7 higher risk of breaking down, law enforcement resources are frequently
8 strapped, and criminal predators are much more free to prey on those
9 unable to adequately protect themselves and their families.

10 (2) It is the intent of the legislature that, during the
11 continuance of any proclaimed state of emergency, no person who is not
12 otherwise prohibited by law from the possession, transfer, sale,
13 transport, storage, display, or use of firearms or ammunition shall be
14 prohibited or restricted by either the governor or any governmental
15 entity or political subdivision of the state from the otherwise lawful
16 possession, transfer, sale, transport, storage, display, or use of
17 firearms or ammunition.

18 **Sec. 2.** RCW 43.06.220 and 2008 c 181 s 1 are each amended to read
19 as follows:

20 (1) The governor, after proclaiming a state of emergency and prior
21 to terminating such, may, in the area described by the proclamation,
22 issue an order prohibiting:

23 (a) Any person being on the public streets, or in the public parks,
24 or at any other public place during the hours declared by the governor
25 to be a period of curfew;

26 (b) Any number of persons, as designated by the governor, from
27 assembling or gathering on the public streets, parks, or other open
28 areas of this state, either public or private;

29 (c) The manufacture, transfer, use, possession, or transportation
30 of a molotov cocktail or any other device, instrument, or object
31 designed to explode or produce uncontained combustion;

32 (d) The transporting, possessing, or using of gasoline, kerosene,
33 or combustible, flammable, or explosive liquids or materials in a glass
34 or uncapped container of any kind except in connection with the normal
35 operation of motor vehicles, normal home use, or legitimate commercial
36 use;

1 (e) ~~((The possession of firearms or any other deadly weapon by a~~
2 ~~person (other than a law enforcement officer) in a place other than~~
3 ~~that person's place of residence or business;~~

4 ~~(f))~~ The sale, purchase, or dispensing of alcoholic beverages;

5 ~~((g))~~ (f) The sale, purchase, or dispensing of other commodities
6 or goods, as he or she reasonably believes should be prohibited to help
7 preserve and maintain life, health, property, or the public peace;

8 ~~((h))~~ (g) The use of certain streets, highways, or public ways by
9 the public; and

10 ~~((i))~~ (h) Such other activities as he or she reasonably believes
11 should be prohibited to help preserve and maintain life, health,
12 property, or the public peace.

13 (2) The governor after proclaiming a state of emergency and prior
14 to terminating such may, in the area described by the proclamation,
15 issue an order or orders concerning waiver or suspension of statutory
16 obligations or limitations in any or all of the following areas as
17 further specified and limited by chapter 181, Laws of 2008:

18 (a) Liability for participation in interlocal agreements;

19 (b) Inspection fees owed to the department of labor and industries;

20 (c) Application of the family emergency assistance program;

21 (d) Regulations, tariffs, and notice requirements under the
22 jurisdiction of the utilities and transportation commission;

23 (e) Application of tax due dates and penalties relating to
24 collection of taxes; and

25 (f) Permits for industrial, business, or medical uses of alcohol.

26 (3) In imposing the restrictions provided for by RCW 43.06.010, and
27 43.06.200 through 43.06.270, the governor may impose them for such
28 times, upon such conditions, with such exceptions, and in such areas of
29 this state he or she from time to time deems necessary.

30 (4) During the continuance of any state of emergency, neither the
31 governor nor any governmental entity or political subdivision of the
32 state shall impose any restriction on the possession, transfer, sale,
33 transport, storage, display, or use of firearms or ammunition that is
34 otherwise authorized or guaranteed by law.

35 (5) Any person willfully violating any provision of an order issued
36 by the governor under this section is guilty of a gross misdemeanor.

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