
HOUSE BILL 1004

State of Washington 65th Legislature 2017 Regular Session

By Representatives Shea, Taylor, and McCaslin

Prefiled 12/05/16.

1 AN ACT Relating to protecting the constitutionally guaranteed
2 right to the lawful possession of firearms during a state of
3 emergency; amending RCW 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
8 state, the right of the people to keep and bear arms, shall not be
9 infringed"; (b) the Washington state Constitution, Article I, section
10 24, guarantees that, "The right of the individual citizen to bear
11 arms in defense of himself, or the state, shall not be impaired...";
12 (c) the constitutionally protected right to bear arms is an
13 individual right intended to ensure that society and law-abiding
14 persons remain protected from criminal aggressors within their homes,
15 neighborhoods, and communities; (d) law-abiding citizens who are
16 attacked in a place where they have a right to be have no duty to
17 retreat and have the right to stand their ground and meet force with
18 defensive force, including deadly force in certain circumstances; (e)
19 law-abiding persons must be able to protect themselves, their
20 families, and others from criminal intruders and attackers without
21 fear of prosecution for acting in the lawful defense of themselves,

1 their families, and others; and (f) law-abiding citizens should not
2 be required to surrender their constitutional right to bear arms and
3 thereby surrender their personal safety and well-being to criminal
4 aggressors at any time, but especially during a state of emergency
5 when law and order is at a much higher risk of breaking down, law
6 enforcement resources are frequently strapped, and criminal predators
7 are much more free to prey on those unable to adequately protect
8 themselves and their families.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) Liability for participation in interlocal agreements;

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

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

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

21 (e) Application of tax due dates and penalties relating to
22 collection of taxes; and

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

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

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

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

--- END ---