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HOUSE BILL 2202

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Scott, Taylor, G. Hunt, Condotta, McCaslin, Young, and Wilson

Read first time 03/24/15. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting the constitutionally guaranteed  
2 right to the lawful possession of firearms during an emergency;  
3 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 who is  
11 not otherwise prohibited by law from the possession, transfer, sale,  
12 transport, storage, display, or use of firearms or ammunition shall  
13 be prohibited or restricted by either the governor or any  
14 governmental entity or political subdivision of the state from the  
15 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.

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