
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2720.1/13

ATTY/TYPIST: AI:seg

BRIEF DESCRIPTION:

Initiative Measure No. 1307 filed April 10, 2013

AN ACT Relating to the Washington state firearms freedom act; amending RCW 9A.16.050; adding a new chapter to Title 9 RCW; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** We, the armed and unarmed citizen body of the state of Washington and the United States, hereby petition this initiative against any restrictive firearm legislation and prescribing penalties based on the following criteria:

(1) United States Constitution, amendment 2: A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

(2) United States Constitution, amendment 10: The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

(3) United States Constitution, amendment 14, section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(4) Washington state Constitution, article 1, section 24: The right of the individual citizen to bear arms in defense of himself, or the State, shall not be impaired, but nothing in the section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

(5) Washington state Constitution, article 10, section 1: Who liable to military duty. All able bodied male citizens of this state between the ages of eighteen and forty-five years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

(6) Washington state Constitution, article 10, section 4: Public arms. The legislature shall provide by law, for the protection and safe keeping of the public arms.

(7) United States code, title 10, subtitle A, part I, chapter 13, § 311 - Militia: Composition and Classes:

(a) The militia of the United States consists of all able bodied males at least seventeen years of age and, except as provided in section 313 of title 32, under forty-five years of age who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are members of the national guard.

(b) The classes of the militia are:

(i) The organized militia, which consists of the national guard and the naval militia; and

(ii) The unorganized militia, which consists of the members of the militia who are not members of the national guard or the naval militia.

Let the record stand that the law abiding citizenry of this state declare that any restrictive firearm legislation is a direct violation of the constitutionally protected liberties of this free body; that the legislation is destructive to the self-evident truth that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assault weapon" means any weapon that can fire more than one round with a single or constant pull of the trigger, or has a selector switch that allows the weapon to shoot more than one round when engaged. "Assault weapon" includes assault rifles.

(2) "Borders of Washington" means the boundaries of Washington.

(3) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm including, but not limited to, telescopic or laser sights, magazines, flash or sound suppressors, folding, telescopic or aftermarket stocks and grips, speedloaders, ammunition carriers, bayonet lug, and lights or lasers for target illumination.

(4) "Generic and insignificant parts" includes, but is not limited to, springs, screws, nuts, and pins.

(5) "Machine gun" means any fully automatic weapon.

(6) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness including, but not limited to, forging, casting, machining, or other processes for working materials.

(7) "Semi-automatic weapon" means any weapon that only fires one round with every pull of the trigger.

NEW SECTION. **Sec. 3.** The citizens of Washington state deem it necessary that all citizens be secure in or on their own property. A

person or his or her property shall be searched or seized according to:

(1) The United States Constitution, amendment 4: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(2) The Washington state Constitution, article I, section 3: No person shall be deprived of life, liberty, or property, without due process of law.

NEW SECTION. **Sec. 4.** Records shall not be created or maintained by any government agency for the purpose of tracing or tracking firearm ownership of the people, commonly known as a gun registry, and shall be deemed as a direct infringement of both state and federal Constitutions. Any person of the state of Washington, being of age and sound mind, shall have the freedom to keep and bear arms.

NEW SECTION. **Sec. 5.** The health insurance portability and accountability act protects the privacy of individual identifiable health information and must not be violated by state or federal agency. Any person seeking mental help from a health care or medical professional, as set by this chapter, may not be deemed as a health risk to the safety of the public and shall not have his or her firearms confiscated. The exception of this chapter has been set forth by law for specific illnesses, which would previously deny a person from possessing a firearm. It is in the best interest of the people to promote a sound mental health profession for those who seek it freely without fear of judgment or persecution of law.

NEW SECTION. **Sec. 6.** No health care professional is required to report any mental health information to federal or state agencies. The only exception to this section is if the health care professional

has a reasonable suspicion of harm that may or will occur to the individual or others.

NEW SECTION. **Sec. 7.** The free body of the state of Washington object to any restrictive firearm legislation, proposed or otherwise, and demand that the elected representatives remain bound to the restraints of their oath of office to support and defend the Constitution, that any alterations, any infringements, or impairments of the right to keep and bear arms is treason against the Constitution, and requires the particular representative or senator be voted for expulsion, censure, or reprimand by a simple majority vote.

NEW SECTION. **Sec. 8.** Any person who reasonably believes that a life is in imminent danger shall have the option to stand his or her ground in accordance with RCW 9A.16.050 and may not be required to retreat.

NEW SECTION. **Sec. 9.** All civilian firearms may be referred to as "pistol," "rifle," "shotgun," "long gun," "firearm," or "personal defense weapon."

NEW SECTION. **Sec. 10.** No state funds, state resources, or law enforcement agencies shall be used to enforce any federal legislation that violates any articles or amendments to the Washington state or United States Constitution, or this act.

Sec. 11. RCW 9A.16.050 and 2011 c 336 s 354 are each amended to read as follows:

(1) Homicide is also justifiable when committed either:

~~((1))~~ (a) In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother, or sister, or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any

such person, and there is imminent danger of such design being accomplished; or

~~((2))~~ (b) In the actual resistance of an attempt to commit a felony upon the slayer, in his or her presence, or upon or in a dwelling, or other place of abode, in which he or she is.

(2) There is no requirement to give notice of the use of deadly force in subsection (1)(a) and (b) of this section if it is reasonably determined that imminent danger or harm is to be committed.

NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act constitute a new chapter in Title 9 RCW.

NEW SECTION. **Sec. 13.** This act may be known and cited as the Washington state firearms freedom act.