



February 10, 2018

FLOOR ALERT

RE: [SSB 6006 \(Zeiger\) – Governors Emergency Powers Amendment 545](#)

POSITION: SUPPORT IF AMENDED

Dear Senators and Staff:

On behalf of the members and supporters of the Firearms Policy Coalition I respectfully submit our position of SUPPORT IF AMENDED to SSB 6006.

Proposed floor amendment 545 to SSB 6006 repealing the unconstitutional power to arbitrarily ban firearms possession during a declared state of emergency would bring state law into compliance with current case law on the matter. Laws and declarations similar to Washington State law concerning citizen possession of firearms during a declared state of emergency have been found to be unconstitutional.¹

The fact our state has never acted on this emergency “power” to restrict the lawful possession of legally owned firearms has left it on the books, unchallenged, as a litigant would lack standing on this unused law.

A relic of the 1960’s, laws of this nature were enacted to empower the government against those that may choose to exercise their freedoms clearly outlined in the Bill of Rights and the Washington State Constitution.

The arguments used on the floor to argue against this amendment are specious at best, as utilizing explosive devices and Molotov Cocktails are neither legal, nor would they apply to legal firearms possession.

In addition, in upwards of 600,000 Washingtonians are extensively background checked and legally certified to carry firearms by the State of Washington. Is it to be assumed that this imagined “emergency power” also extends to these individuals? If so, it would be a stunning reversal for the state to summarily revoke these licenses in such an action. There would surely be both legal and political consequences for elected officials and the state if such an action were to ever occur.

¹ See [Bateman v. Perdue](#) and [NRA v. Nagin](#)



During a declared emergency when 911 response resources would surely be stretched thin, citizens would likely be on their own to defend themselves and others. As recent geological research has outlined, Western Washington is one of the world's most dangerous earthquake zones. A large earthquake could separate citizens for days or even weeks from vital emergency services.

As the nation has seen in the aftermath of Hurricane Katrina and many other disasters, banning lawfully held arms in a state of emergency would only lead to more confusion and deprives citizens of their constitutional right of defense during times of extreme danger and outright abandonment by the state. This also needlessly places law enforcement at odds with law-abiding citizens when cooperation is necessary to restore order and calm to an emergency.

In the final analysis, we must seriously question the motives behind additional delays in voting on these common-sense floor amendments. The state and federal constitutions are clear, as so are the federal court decisions and statutory law in our state. If individual members disagree with this, then they should address these issues in the proper manner. Refusing to hold a vote on these amendments to bring the state's "emergency power" law into compliance is abandoning the very responsibilities entrusted to this body by the voters of this state.

Also, it has come to our attention that in addition to amendment 545 which would protect Second Amendment Rights, amendment 567 would protect First Amendment Rights during a declared "state of emergency." We concur that the entire Bill of Rights should be supported, as such, amendment 567 is also deserving of an affirmative floor vote.

For all of the reasons stated above, we support SSB 6006 if amended to include these proposed floor amendments 545 and 567, and, urge your "YES" vote on both of these outstanding amendments.

Please don't hesitate to contact me at (855) 372-7522 or PJW@FPCHQ.org if we can be of any assistance to you or your staff.

Respectfully,

Philip Watson
Legislative Advocate
Firearms Policy Coalition