

## Opposed: Firearms restoration (HB 1026)

The Washington Association of Criminal Defense Lawyers (WACDL) and the Washington Defender Association (WDA) oppose House Bill 1026, which seeks to make significant and substantive changes to the law regarding the restoration of firearm rights.

The bill report states that this is “essentially a cleanup bill.” This is untrue. **This bill makes significant substantive changes to eligibility requirements for restoration of firearm rights, and will make far fewer people eligible.** This is done, purportedly, for public safety reasons. But, as outlined below, the bill fails to meaningfully improve public safety.

There is no evidence that the current statute inadequately addresses public safety. The current statute for restoration of firearm rights has remained largely unchanged since 1995-1996, and has been working well. **There is no evidence that individuals who have had their firearm rights restored under the current rules are prone to recidivism.** This legislation aims to fix a problem that doesn't exist.

The bill will create a categorical prohibition on the restoration of firearm rights for those convicted of any class B felony, even though the difference between a class C felony and a class B felony is very often the value of property involved. So, an individual who steals \$5,000 worth of property must wait five years, but an individual who steals \$5,001 worth of property must wait ten years. **A difference of one dollar equates to five additional years. This is a completely arbitrary and unnecessary distinction.** The bill also seeks to prohibit restoration for anyone who has had a protection order issued against him or her in the previous five years, **but it makes no allowance for ex parte orders that don't result in the issuance of a full order.** Therefore, a vexatious petitioner can keep filing ex parte orders that end up dismissed, the respondent could not restore his or her firearm rights, and the respondent would have no recourse whatsoever.

The bill seeks to introduce a new discretionary standard for restoring firearm rights if a person has been rehabilitated, but it does not define what “rehabilitated” means for this purpose. It does not give the courts any guidance on what to consider or what factors are relevant to such an inquiry. **This legislation will further politicize a topic that is already too political. The judicial branch is a non-partisan, apolitical branch of government and it must remain that way.** Creating a discretionary process will lead to inconsistent results as individuals residing in eastern Washington may encounter more firearm-friendly judges than individuals residing in Western Washington, and outcomes may vary wildly even within each county, depending on which judge reviews the matter. This will lead to forum and judge shopping by petitioners, an undesirable result.

**For more information, contact:**

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