



Restoration of Local Authority

[HB 1178](#) (Rep. Hackney) / [SB 5446](#) (Sen. Nguyen)

Local leaders are best positioned to address the challenges facing their communities and should be empowered to make decisions to keep their jurisdictions safe from gun violence. However, Washington state has a preemption law that limits the authority of local governments to regulate the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms. It is essential that local governments have the ability to establish additional safeguards against gun violence in their own communities. Gun violence prevention can—and should—happen at every level of government.

The Current Landscape

In Washington state, there is a very limited area of local government oversight in relation to firearms. Municipalities may enact restrictions on the discharge of firearms, possession of firearms in locally operated centers for individuals without a concealed carry permit, and restrictions on where firearms can be sold.¹ This narrow area has still allowed for limited ordinances, including the City of Seattle's safe storage ordinance that created a civil infraction for any person keeping or storing any firearm without securing it in a locked container.² However, there are many additional actions that local governments could do to address the unique issues and dangers facing their own communities.

In Other States

In 2021, the Colorado General Assembly became the first state in the nation to broadly repeal the majority of its firearms preemption statute, arguing, "officials of local governments are uniquely equipped to make determinations as to regulations necessary in their local jurisdictions".³ This repeal did leave in place a state law that preempts local laws that would restrict a person's ability to travel with a firearm in a private vehicle, due to concerns around patchwork ordinances. This allowed Denver and Boulder to think through new gun violence prevention laws specifically tailored to their communities.⁴

Today, 8 states allow local governments to have jurisdiction over firearms. Only California, Colorado, Connecticut, Hawaii, Massachusetts, New Jersey, and New York generally allow local officials to pass firearms-related public safety laws.⁵

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=9.41.300>

² <http://clerk.seattle.gov/search/ordinances/125620>

³ Colo. Rev. Stat. § 29-11.7-101(1)(d)(e). (2)

⁴ <https://www.axios.com/local/denver/2022/05/17/denver-concealed-carry-rights-tighten>

⁵ <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/preemption-of-local-laws/>