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MUNICIPAL ORDINANCE - WASHINGTON

Bass v. City of Edmonds

Supreme Court of Washington - April 21, 2022 - P.3d - 2022 WL 1178491

Individual gun owners brought action against city under the Uniform Declaratory Judgment Act challenging city ordinance that made it a civil infraction to allow a minor, at-risk person, or prohibited person access to a firearm that was not secured by a locking device, or to store unlocked firearm.

The Superior Court granted gun owners' motion for summary judgment in part and concluded that the ordinance provision that made it a civil infraction if a minor, at-risk person, or prohibited person obtained a firearm from an owner's premises that was not secured by a locking device was preempted by state law. City appealed. The Court of Appeals affirmed in part and reversed in part by concluding that the entire ordinance was preempted by state law. Supreme Court granted review.

The Supreme Court held that:

- Individual gun owners had standing to challenge unauthorized access provision of city ordinance that made it civil infraction to knowingly or reasonably allow minor, at-risk person, or prohibited person access to firearm and that person obtains firearm, and
- City ordinance that made it a civil infraction to allow minor, at-risk person, or prohibited person access to firearm that was not secured by locking device or to store unlocked firearms was preempted by state statute that preempted entire field of firearms regulation.

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