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Wash. court says gun limits OK before conviction

Washington's high court upheld a state law Thursday that prohibits some suspects in serious criminal cases from possessing a firearm before they have been found guilty of a crime.

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Associated Press

SEATTLE —

Washington's high court upheld a state law Thursday that prohibits some suspects in serious criminal cases from possessing a firearm before they have been found guilty of a crime.

The state Supreme Court said in a 5-4 ruling that the law did not violate the Second Amendment rights of a man who was eventually convicted of unlawful possession of a firearm.

Justices in the majority opinion wrote the law is limited in scope and duration.

"The State has an important interest in restricting potentially dangerous persons from using firearms," Justice Steven Gonzalez wrote in the majority opinion.

The law prohibits people from having a firearm if they have been released on bond after a judge found probable cause to believe the person has committed a serious offense.

The case was brought to the Supreme Court by Roy Steven Jorgenson, who authorities said was found with two guns in his car while he was free on bond after a judge had found probable cause to believe Jorgenson had shot someone.

In one of the dissenting opinions, Justice Charles Wiggins wrote that the Legislature may reasonably regulate the right to bear arms. But he said those regulations must comport with due process.

The "law impermissibly denies Jorgenson his fundamental right to bear arms without due process of law," Wiggins wrote. He said he would have sent the case back for dismissal of Jorgenson's convictions of unlawful possession of a firearm.

The majority opinion acknowledged the significant burden the law places on people charged with serious offenses. Unlike a law that bans loaded weapons in national parks, the state law substantially impedes a person from exercising the right to self-defense, the justices said.

But justices pointed to other court rulings that upheld bans on firearm possession that do not require specific conclusions that a person is dangerous. That includes a ban on firearm possession by noncitizens who are unlawfully in the country, a firearm ban affecting those dishonorably discharged from the armed forces, and firearm limits for those who have renounced U.S. citizenship.

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