
SENATE BILL 5407

State of Washington

55th Legislature

1997 Regular Session

By Senators Kohl, Sheldon, Thibaudeau, Wojahn, Fairley, Kline and Spanel; by request of Governor Lowry

Read first time 01/24/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to access to firearms by minors; adding a new
2 section to chapter 9A.36 RCW; adding a new section to chapter 9.41 RCW;
3 and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.36 RCW
6 to read as follows:

7 (1) Except as otherwise provided in this section, a person is
8 guilty of a gross misdemeanor if the person stores or leaves a readily
9 dischargeable firearm in a location where the person knows, or
10 reasonably should know, that a child is likely to gain access, and a
11 child obtains possession of the firearm.

12 (2) This section does not apply if:

13 (a) The firearm is secured in a locked box or secured with a
14 trigger lock or other similar device that prevents the firearm from
15 discharging;

16 (b) The child's access to the firearm is supervised by an adult;

17 (c) The child's access to the firearm was obtained as a result of
18 an unlawful entry; or

1 (d) The child's access to the firearm occurred during or incidental
2 to a law enforcement officer's performance of official duties.

3 (3) If a death or serious injury occurs as a result of an alleged
4 violation of this section, the prosecuting attorney shall consider the
5 impact of the death on the person who allegedly violated this section,
6 among other factors, when deciding whether to file charges. If a
7 person who allegedly violated this section were a family member of the
8 child accidentally shot or killed, then an arrest may not be made until
9 seven days after the shooting.

10 (4) For the purposes of this section:

11 (a) "Child" means a person under the age of sixteen years; and

12 (b) The definitions in RCW 9.41.010 apply.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
14 to read as follows:

15 (1) When selling any firearm, every dealer shall offer to sell or
16 give the purchaser a locked box or trigger lock or similar device that
17 prevents the firearm from discharging.

18 (2) At every purchase counter for firearms in every store, shop, or
19 sales outlet, every dealer shall conspicuously post the following
20 warning in block letters at least one inch in height:

21 "IT IS UNLAWFUL TO STORE OR LEAVE AN UNLOCKED FIREARM WHERE CHILDREN
22 CAN OBTAIN ACCESS."

23 (3) Every person who violates this section is guilty of a civil
24 infraction and may be fined up to fifty dollars.

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