

SENATE BILL REPORT

SB 5081

As of January 12, 1996

Title: An act relating to possession of firearms.

Brief Description: Revising firearm regulations.

Sponsors: Senators Smith, Haugen and Long.

Brief History:

Committee Activity: Law & Justice: 1/16/95, 3/1/95 [DPS] 1/16/96.

Ways & Means: 3/6/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Cynthia Runger (786-7717)

Background: Under the state firearms statute, a dealer is defined as a person engaged in the business of selling firearms or ammunition who has, or is required to have, a federal firearms license. Under the federal code, a person engaged in the business of ammunition is considered a dealer only if he or she is importing or manufacturing ammunition. Therefore, under the federal code sellers of ammunition are not considered dealers.

Most felony convictions and some misdemeanor convictions prohibit a person from possessing a firearm. It is a class B felony if a person has a firearm after being previously convicted of: (1) a serious offense as defined in the firearms statute; (2) residential burglary; (3) first degree reckless endangerment; or (4) any class A or B felony violation of the Uniform Controlled Substances Act. It is a class C felony if a person possesses a firearm after being convicted: (1) of any felony violation of the Uniform Controlled Substance Act not resulting in a crime of unlawful possession in the first degree; (2) of any felony violation in which a firearm was used or displayed that is not a crime of unlawful possession in the first degree; (3) of any domestic violence or harassment offense; or (4) three times within five years of operating a motor vehicle or vessel while under the influence of alcohol or drugs.

A person prohibited from possessing a firearm due to a conviction may have his or her right to possess a firearm restored if the person is pardoned, the conviction is annulled, or a certificate of rehabilitation is granted. In addition, a person prohibited from possessing a firearm who has not previously been convicted of a sex offense prohibiting firearm ownership or any felony defined as a class A felony may petition the court to have his or her right to possess a firearm restored if he or she lost his or her right to possession after: (1) having been involuntarily committed; (2) having been convicted of operating a motor vehicle while under the influence on three occasions within five years; or (3) five or more consecutive years in the community the person is not charged with a felony, gross misdemeanor, or misdemeanor.

Summary of Substitute Bill: A person who sells ammunition, but does not manufacture or import ammunition, and does not also deal in firearms, is not a dealer and therefore is not required to obtain a dealer's license.

Convictions that preclude firearms possession are: (1) any felony convictions; (2) domestic assault convictions; or (3) three convictions within five years of operating a motor vehicle while under the influence.

A person no longer has to petition the court to have his or her right to possess a firearm restored. It may be restored if the person is pardoned. Restoration is automatic if: (1) two years elapse since the date of conviction for a misdemeanor or gross misdemeanor; (2) five years elapse since the date of release from supervision for a class C felony; and (3) ten years elapse from the date of release from supervision for a class B felony.

A prosecutor may petition the court to deny restoration of the right to possess a firearm. The court may deny restoration if it finds clear and convincing evidence that the person poses a manifest risk to public safety.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on January 11, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.