
SENATE BILL 5549

State of Washington

54th Legislature

1995 Regular Session

By Senators Kohl, C. Anderson, Fairley, Prentice, Wojahn, Sheldon and Pelz

Read first time 01/26/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to access to firearms by minors; adding new
2 sections to chapter 9.41 RCW; creating a new section; prescribing
3 penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that placing
6 firearms within the reach or easy access of children is irresponsible
7 and encourages accidents that result in serious injury or death.
8 Legislative action is necessary to prohibit negligently stored firearms
9 and to protect the safety of our children.

10 (2) It is the intent of the legislature that adult citizens of the
11 state retain their constitutional right to keep and bear firearms for
12 hunting and sporting activities and for defense of self, family, home,
13 and business, and as collectibles. Nothing in sections 2 through 5 of
14 this act shall be construed to reduce or limit any existing right to
15 purchase and own firearms, or to provide authority to any state or
16 local agency to infringe upon the privacy of any family, home, or
17 business, except by lawful warrant.

1 NEW SECTION. **Sec. 2.** (1) A person who stores or leaves a loaded
2 firearm on a premise under his or her control, and who knows or
3 reasonably should know that a child is likely to gain access to the
4 firearm without the lawful permission of the child's parent or the
5 person having charge of the child or without the supervision required
6 by law, shall:

7 (a) Keep the firearm in a securely locked box or container;

8 (b) Keep the firearm in a location which a reasonable person would
9 believe to be secure; or

10 (c) Secure it with a trigger lock.

11 This subsection does not apply when the person is carrying the
12 firearm on his or her body or within such close proximity thereto that
13 it can be retrieved and used as easily and quickly as if carried on the
14 body.

15 (2) It is a misdemeanor if a person violates subsection (1) of this
16 section by failing to store or leave a firearm in the required manner
17 and as a result thereof a child gains access to the firearm, without
18 the lawful permission of the child's parent or the person having charge
19 of the child, and possesses or exhibits it, without the supervision
20 required by law:

21 (a) In a public place; or

22 (b) In a reckless or criminally negligent manner.

23 This subsection does not apply if the child obtains the firearm as
24 a result of an unlawful entry by any person.

25 NEW SECTION. **Sec. 3.** Whoever violates section 2 of this act by
26 storing or leaving a loaded firearm within the reach or easy access of
27 a child, if the child obtains the firearm and uses it to inflict injury
28 or death upon himself or herself or any other person, is guilty of a
29 class C felony under chapter 9A.20 RCW. However, this section does not
30 apply:

31 (1) If the firearm was stored or left in a securely locked box or
32 container or in a location which a reasonable person would have
33 believed to be secure, or was securely locked with a trigger lock;

34 (2) If the child obtains the firearm as a result of an unlawful
35 entry by any person;

36 (3) To injuries resulting from target or sport shooting accidents
37 or hunting accidents; or

1 (4) To members of the armed forces, national guard, or state
2 militia, or to police or other law enforcement officers, with respect
3 to firearm possession by a child which occurs during or incidental to
4 the performance of their official duties.

5 When any child is accidentally shot by another family member, no
6 arrest shall be made pursuant to this subsection prior to seven days
7 after the date of the shooting. With respect to any parent or guardian
8 of any deceased child, the investigating officers shall file all
9 findings and evidence with the prosecuting attorney's office with
10 respect to violations of this section. The prosecuting attorney shall
11 evaluate such evidence and shall take such action as he or she deems
12 appropriate under the circumstances and may file charges against the
13 appropriate parties.

14 NEW SECTION. **Sec. 4.** (1) Upon the retail commercial sale or
15 retail transfer of any firearm, the seller or transferor shall deliver
16 a written warning to the purchaser or transferee, which warning states,
17 in block letters not less than one-fourth inch in height:

18 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY ADULT
19 TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY
20 ACCESS OF A CHILD."

21 (2) Any retail or wholesale store, shop, or sales outlet which
22 sells firearms must conspicuously post at each purchase counter the
23 following warning in block letters not less than one inch in height:

24 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE
25 REACH OR EASY ACCESS OF A CHILD."

26 (3) Any person or business knowingly violating a requirement to
27 provide warning under this section is guilty of a misdemeanor.

28 NEW SECTION. **Sec. 5.** As used in sections 2 through 4 of this act,
29 "child" means any person under the age of sixteen.

30 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act are each
31 added to chapter 9.41 RCW.

32 NEW SECTION. **Sec. 7.** This act shall take effect January 1, 1996.

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