

---

SENATE BILL 6632

---

State of Washington                      54th Legislature                      1996 Regular Session

By Senators Prentice, Kohl, Fairley, McAuliffe and Pelz

Read first time 01/22/96. 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 state constitutional right to keep and bear firearms  
12 for hunting and sporting activities, for defense of self, family, home,  
13 and business, and as collectibles. Nothing in sections 2 through 5 of  
14 this act is to be construed to reduce or limit any existing right to  
15 purchase and own firearms or to provide authority to any state or local  
16 agency to infringe upon the privacy of any family, home, or business,  
17 except by lawful warrant.

1        NEW SECTION.    **Sec. 2.**    (1) It is unlawful for any person to store  
2 or keep a firearm, whether loaded or unloaded, on any premises under  
3 his or her control if the person knows or reasonably should know that  
4 a child is likely to gain access to the firearm without the permission  
5 of the parent or guardian of the child.

6        (2) If a person violates subsection (1) of this section and as a  
7 result a child gains access to the firearm without the permission of  
8 the parent or guardian of the child, and the child possesses or  
9 exhibits it:

10        (a) In a public place; or

11        (b) In a reckless or criminally negligent manner,  
12 the person who has violated subsection (1) of this section is guilty of  
13 a misdemeanor.

14        (3) If a person violates subsection (1) of this section and as a  
15 result a child obtains the firearm and uses it to inflict injury or  
16 death upon himself or herself or another person, the person who has  
17 violated subsection (1) of this section is guilty of a class C felony  
18 under chapter 9A.20 RCW.

19        (4) Subsections (2) and (3) of this section do not apply:

20        (a) If the firearm was stored or left in a securely locked box or  
21 container or in a location that a reasonable person would have believed  
22 to be secure, or was securely locked with a trigger lock;

23        (b) If the child obtains the firearm as a result of an unlawful  
24 entry by any person;

25        (c) To injuries resulting from target or sport shooting accidents  
26 or hunting accidents; or

27        (d) To members of the armed forces, national guard, or state  
28 militia, or to police or other law enforcement officers, with respect  
29 to firearm possession by a child that occurs during or incidental to  
30 the performance of their official duties.

31        NEW SECTION.    **Sec. 3.**    If a child is accidentally shot by another  
32 family member, no arrest may be made pursuant to section 2 of this act  
33 prior to seven days after the date of the shooting. With respect to  
34 any parent or guardian of any deceased child, the investigating  
35 officers shall file all findings and evidence with the prosecuting  
36 attorney's office with respect to violations of section 2 of this act.  
37 The prosecuting attorney shall evaluate such evidence and shall take  
38 such action as he or she deems appropriate under the circumstances and

1 may file charges against the appropriate parties. The prosecuting  
2 attorney shall consider the impact of the death on the person who  
3 allegedly violated section 2 of this act, among other factors, when  
4 deciding whether to prosecute an alleged violation.

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

9 IT IS UNLAWFUL AND PUNISHABLE BY IMPRISONMENT AND FINE FOR ANY ADULT TO  
10 STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS  
11 OF A CHILD.

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

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

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

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

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

23 NEW SECTION. **Sec. 7.** This act shall take effect January 1, 1997.

--- END ---