

1 **HB 2078 - H AMD 388**

2 By Representative Sump

3 Strike everything after the enacting clause and insert the
4 following:

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

7 (1) A person is guilty of reckless endangerment in the third
8 degree when he or she recklessly engages in conduct not amounting
9 to reckless endangerment in the first or second degree but which
10 creates a substantial risk of death or serious physical injury to
11 another person.

12 (2) Reckless endangerment in the third degree is a
13 misdemeanor.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.36
15 RCW to read as follows:

16 (1) If a person is charged with a violation under section 1 of
17 this act involving a minor who gained access to a loaded firearm in
18 a dwelling where the minor was a resident of the dwelling, section
19 3 of this act shall apply. RCW 9A.36.050 shall not apply to
20 violations involving a minor who gained access to a loaded firearm
21 in a dwelling where the minor was a resident of the dwelling.

22 (2) If a person is charged with a violation under RCW
23 9A.36.050 involving a minor who gained access to a loaded firearm
24 in a dwelling where the minor was not a resident of the dwelling,
25 section 3 of this act shall apply.

26 NEW SECTION. **Sec.3.** A new section is added to chapter 9A.36
27 RCW to read as follows:

28 (1) It is not a crime of reckless endangerment if:

29 (a) The loaded firearm was secured in a locked box, gun safe,
30 other secure locked storage space, or secured with a trigger lock
31 or other similar device that prevents a loaded firearm from
32 discharging;

1 (b) The minor's access to the loaded firearm was supervised by
2 an adult;

3 (c) The minor's access to the loaded firearm was obtained as
4 a result of an unlawful entry by any person;

5 (d) The child's access to the loaded firearm occurred during
6 a law enforcement officer's performance of official duties;

7 (d) The minor's access to the loaded firearm was in accordance
8 with the provisions of RCW 9.41.042; or

9 (e) The person who stored or left the loaded firearm or
10 another resident of the dwelling where the loaded firearm was
11 stored or left had previously been the victim of a crime under
12 chapter 9A.36 RCW, chapter 9A.40 RCW; chapter 9A.42 RCW; chapter
13 9A.44 RCW; chapter 9A.46 RCW, chapter 9A.48 RCW; chapter 9A.52 RCW;
14 chapter 9A.56 RCW; or chapter 9A.64 RCW; or an anticipatory offense
15 of such crimes under chapter 9A.28 RCW.

16 (2) If a death or serious injury occurs as a result of an
17 alleged violation, before deciding to file charges the prosecuting
18 attorney shall consider:

19 (a) The crime rate within the community and the impact of
20 crime on the area where the alleged violation occurred;

21 (b) A good faith attempt on the part of the person who
22 allegedly committed the violation to educate a minor who was a
23 resident of the dwelling where the loaded firearm was stored or
24 left regarding the usage, handling, or dangers of a loaded firearm;
25 and

26 (c) The impact of the death or serious injury on the person
27 who allegedly committed the violation.

28 (5) If a person who allegedly committed the violation is a
29 family member of the minor accidentally shot or killed, then an
30 arrest may not be made until fourteen days after the shooting.

31 (6) Minor" means a person under the age of fourteen years.

32 (7) The definitions in RCW 9.41.010 shall apply.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.41
34 RCW to read as follows:

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

1 (2) Every store, shop, or sales outlet where firearms are
2 sold, registered as a dealer in firearms with the department of
3 licensing, shall conspicuously post, in a prominent location so
4 that all patrons may take notice, the following warning sign, to be
5 provided by the department of licensing, in block letters at least
6 one inch in height: "IT IS DANGEROUS TO STORE OR LEAVE AN UNSECURED
7 LOADED FIREARM WHERE A MINOR CAN OBTAIN ACCESS AND COULD RESULT IN
8 CRIMINAL LIABILITY."

9 (3) Every person who violates this section is guilty of a
10 civil infraction and may be fined up to fifty dollars, provided no
11 such fine shall be levied until thirty days have expired from the
12 time warning signs are distributed by the department of licensing.-

EFFECT: Limits the application of the bill to situations where loaded firearms are left in dwellings; makes it a misdemeanor if the minor who gained access to the firearm was a resident of the dwelling and a gross misdemeanor if the minor who gained access was not a resident of th dwelling; provides that the act does not apply if the person who left the firearm had previously been the victim of the crime of assault, kidnaping, criminal mistreatment, rape, harassment, arson, burglary, robbery, or incest; provides that if death or serious injury occurs, the prosecutor must consider the crime rate within the community, the impact of crime on the area, and attempts on the part of the person who allegedly committed the violation to educate minors who are residents of the dwelling about the usage, handling, or dangers of a loaded firearm; provides that if a minor is killed or injured, an arrest may not be made for 14 days after the accident; defines Minor- as a person under 14 years of age; and provides that the warning sign posted by firearms dealers read, "IT IS DANGEROUS TO STORE OR LEAVE AN UNSECURED LOADED FIREARM WHERE A MINOR CAN OBTAIN ACCESS AND COULD RESULT IN CRIMINAL LIABILITY."