
SENATE BILL 5814

State of Washington

55th Legislature

1997 Regular Session

By Senators Wood, Haugen, Fairley, Jacobsen, Kohl, Winsley, Deccio, Prince, Goings, Thibaudeau, Franklin and Hale

Read first time 02/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to the safe storage of firearms; 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 loaded
9 firearm in a location where the person knows, or reasonably should
10 know, that a child is likely to gain access, and a child obtains
11 possession of the firearm.

12 (2) This section does not apply if:

13 (a) The firearm is secured in a locked box, gun safe, other secure
14 locked storage space, or secured with a trigger lock or other similar
15 device that prevents the firearm from 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;

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

3 (e) The child's access to the firearm was in accordance with the
4 provisions of RCW 9.41.042.

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

12 (4) For the purposes of this section:

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

14 (b) The definitions in RCW 9.41.010 apply throughout this section.

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

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

20 (2) Every store, shop, or sales outlet where firearms are sold,
21 registered as a dealer in firearms with the department of licensing,
22 shall conspicuously post, in a prominent location so that all patrons
23 may take notice, the following warning sign, to be provided by the
24 department of licensing, in block letters at least one inch in height:
25 "IT IS UNLAWFUL TO STORE OR LEAVE AN UNSECURED LOADED FIREARM WHERE
26 CHILDREN CAN OBTAIN ACCESS."

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

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