

SENATE BILL REPORT

SB 5294

As of February 10, 1999

Title: An act relating to safe storage of firearms.

Brief Description: Encouraging safe storage of firearms.

Sponsors: Senators Costa, Franklin, McAuliffe, Prentice, Kohl-Welles, Shin, Fraser, Rasmussen, Wojahn and Kline.

Brief History:

Committee Activity: Judiciary: 2/5/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Harry Steinmetz (786-7421)

Background: In Washington State it is a class C felony for a minor to possess a firearm with certain exceptions pertaining to supervised events or appropriate licenses. Allowing a minor access to a loaded firearm could be prosecuted as reckless endangerment, a gross misdemeanor. Reckless endangerment is not specific to firearms and does not provide exceptions where access to the weapon is gained through the minor's illegal conduct.

In Washington State between 1989 and 1996, 112 children, age 19 and under, were killed by unintentional firearm incidents. An additional 368 children suffered non-fatal hospitalizations from unintentional firearm incidents.

Presently, 16 other states have passed measures calling for the safe storage of firearms.

Summary of Bill: Reckless endangerment is amended to include leaving or storing a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access and the child obtains possession of the loaded firearm. A violation is a gross misdemeanor and may be punished by up to a year in county jail.

The law does not apply where the firearm is secured in a locked box, gun safe, other locked storage space or secured with a lock or other device that prevents the firearm from discharging. Further, the law does not apply if the child's access to the firearm was supervised by an adult, obtained as a result of a unlawful entry, or was in accordance with RCW 9.41.042 pertaining to supervised events or appropriate licenses.

The prosecuting attorneys have the discretion to decline to prosecute, despite sufficient evidence to prosecute, where death or serious injury resulted from a child gaining access to the firearm.

Every firearms dealer is required to sell or give the purchaser a locked box, gun safe, a lock or any device that prevents the firearm from discharging. Further, registered firearms

dealers are required to post a sign stating, "IT IS UNLAWFUL TO STORE OR LEAVE AN UNSECURED, LOADED FIREARM WHERE A CHILD CAN AND DOES OBTAIN POSSESSION." Violations of this section are a class 3 civil infraction and result in a fine up to \$50.

Appropriation: None.

Fiscal Note: Requested on February 2, 1999.

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

Testimony For: This bill is about children. It is not taking away any rights or mandating how to store guns. This bill is the product of a broad-based coalition. The results of irresponsible gun storage can be devastating. The focus of this bill is on those who are causing the problem, the irresponsible and the reckless. This bill clarifies the public standard of care making it clear when these types of cases can be prosecuted. It is simply modifying an existing statute. There is also room for prosecutors to exercise their discretion. This bill codifies a moral standard and makes a clear statement that this conduct will not be accepted. In states that have enacted this type of legislation, there have been 23 percent fewer kids lost to accidental shootings. This bill will help educate the public by making it clear how to responsibly store their guns.

Testimony Against: Education is the only effective tool to increase gun safety. A similar law in California has had no impact. There are many things that are dangerous to kids; why single out guns? There are many more children killed by poisons. This bill impairs the right of self defense. It makes it more difficult to get a weapon when you are attacked by an animal or if you have an intruder in your home. It disturbs the private affairs of the citizens and violates the Constitution. The problem here is self inflicted stupidity and you cannot legislate against that. The language is vague. What about access to the keys to the lock box? Who is liable? You cannot mandate responsible parenting. Trigger locks do not work.

Testified: PRO: Senator Costa, prime sponsor; Michael D. Letter, Everett Police Officers Association; Dave LaCourse, Citizens Committee for the Right to Keep and Bear Arms, WA Citizens for Justice; Norm Maleng, King County Prosecuting Attorney; Mike Patrick, WACOPS; Bill Hanson, WA State Patrol Troopers Assoc.; Tom Wales, WA Cease Fire; Steve Riechert, King Co. S.O.; Roy G. Farrell, WA State Medical Association; Kim Graves; Randy Graves; Paul Graves; Dect. Chris Eden, Thurston Co. S.O.; CON: Delbert Gilbo, Western Fish and Wildlife Federation; David Reynard; Louis A. Huber, Olympic Outfitters; Don Roberts, North Olympic Peninsula Phone Tree; Larry Witt; Ted Cowan, WA State Big Game Council; John Hubbard, WSR&PA; Brian Judy, NRA; Allan Woodbridge, Pacific Arms Society, Ltd; Dennis Cook; Martin Cooper.