

***Criminal Justice & Corrections***

***HB 1121***

***Brief Description:*** Encouraging safe storage of firearms.

***Sponsors:*** Representatives Ballasiotes, Jarrett, Hankins, Tokuda, Lovick, Schual-Berke, Ruderman, Mitchell, Darneille, O'Brien, McIntire, Keiser, Kenney, Hunt, Cody, Edwards, Edmonds, Kagi and Lantz.

***Brief Summary of Bill***

- *Provides that, under certain circumstances, a person is guilty of the crime of reckless endangerment for leaving or storing a loaded firearm in a location where a child is likely to and does gain access to it.*
- *Requires firearms dealers to offer to sell or give purchasers a locked box, lock, or device that prevents a firearm from firing, and to post a warning sign regarding safe storage of firearms.*

***Hearing Date:*** 2/2/01

***Staff:*** Jean Ann Quinn (786-7310).

***Background:***

*A person is guilty of reckless endangerment if the person recklessly engages in conduct (not amounting to drive-by shooting) that creates a substantial risk of death or serious physical injury to another person. A person acts recklessly when he or she knows of and disregards a substantial risk and the disregard of that risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.*

*Reckless endangerment is a gross misdemeanor, punishable by not more than one year of*

*confinement in the county jail, a fine of not more than \$5,000 or both.*

*Under the state's firearms law, a minor may possess a firearm in certain circumstances, such as when hunting or trapping under a valid license, attending a firearms safety course, shooting at an established shooting range, or acting with parental permission at home or on other property controlled by the parent. A minor may also possess a firearm in an area where shooting is permitted if the parent is supervising the minor or the minor is at least 14 years old, has a hunter safety certificate, and is not using a pistol.*

***Summary of Bill:***

*A person is guilty of the crime of reckless endangerment, a gross misdemeanor, if the person stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child under the age of 16 is likely to gain access, and the child obtains possession of the loaded firearm. However, the crime does not apply if the firearm is secured in a locked box, gun safe, other secure locked storage space, or secured with a lock or other device that prevents the firearm from discharging. It also does not apply if the child's access to the firearm is supervised by an adult, was obtained as a result of an unlawful entry, or is authorized by the state's firearms law.*

*If an alleged violation of this provision leads to serious injury or death, the prosecuting attorney may decline to prosecute in situations where prosecution would serve no public purpose, would defeat the purpose of the law, or would result in decreased respect for the law.*

*Every firearms dealer is required to offer to sell or give purchasers a locked box, a lock, or a device that prevents the firearm from discharging. Registered firearms dealers are required to conspicuously post a sign warning that it is unlawful to store or leave an unsecured, loaded firearm where a child can and does obtain possession. A violation of this section is a class 3 civil infraction subject to a fine of up to \$50.*

*It is stated that nothing in the legislation mandates how or where a firearm must be stored.*

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

***Appropriation:*** *None.*

***Fiscal Note:*** *Requested on January 25, 2001.*