
Judiciary Committee

HB 1122

Title: An act relating to protecting public safety through responsible storage of firearms.

Brief Description: Protecting public safety through responsible storage of firearms.

Sponsors: Representatives Kagi, Jinkins, Cody, Robinson, Gregerson, Ryu, Ortiz-Self, Fitzgibbon, Farrell, Tharinger, Doglio, Dolan, Frame, Tarleton, Appleton, Springer, Lytton, Chapman, Stanford, Peterson, Ormsby, McBride, Fey, Kloba, Senn, Sells, Kilduff, Santos, Riccelli, Bergquist and Goodman.

Brief Summary of Bill

- Provides that, under certain circumstances, a person is guilty of Community Endangerment Due to Unsafe Storage of a Firearm for leaving or storing a firearm in a location where a prohibited person is likely to access the firearm and does access and use the firearm.
- Requires firearms dealers to offer to sell or give purchasers a locked box, lock, or device that prevents a firearm from discharging, and provide warnings regarding potential criminal liability for unsafe storage of firearms.

Hearing Date: 2/2/17

Staff: Edie Adams (786-7180).

Background:

Certain persons are prohibited from possessing firearms under federal and state law. Under state law, a person is prohibited from owning or possessing a firearm when the person:

- has a felony conviction or finding of not guilty by reason of insanity;
- has a conviction or finding of not guilty by reason of insanity for certain domestic violence offenses;
- is subject to a qualifying protection order, no-contact order, or restraining order that meets certain criteria;

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- has previously been committed for involuntary mental health treatment for 14 days or after being found criminally insane or incompetent to stand trial;
- is free on bond or personal recognizance for a serious offense;
- is an offender under Department of Corrections supervision;
- is a non-citizen, unless the person has an alien firearms license; or
- is under age 18 (with exceptions), or with respect to possession of pistols, is under age 21 (with exceptions).

Circumstances where a minor is permitted to possess a firearm include: hunting or trapping under a valid license; attending a hunter or firearms safety course; shooting at an established shooting range; engaging in an organized firearms competition; or acting with permission of a parent or guardian at home or on other property controlled by the parent or guardian.

State firearms laws make it unlawful for a person to deliver a firearm to anyone whom the person has reasonable cause to believe is ineligible under state law to possess a firearm. There are no laws specifically addressing criminal or civil liability for storing or leaving a firearm where a minor can obtain access to the firearm.

Summary of Bill:

A new crime addressing storing or leaving a firearm where a prohibited person may gain access to the firearm is created. "Prohibited person" means a person who is prohibited from possessing firearms under federal or state law.

A person is guilty of Community Endangerment Due to Unsafe Storage of a Firearm if the person stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person is likely to gain access, and the prohibited person obtains access and possession of the firearm and either:

- causes personal injury or death with the firearm, in which case the offense is an unranked class C felony; or
- causes the firearm to discharge, exhibits the firearm in a public place or in an angry, threatening, or careless manner, or uses the firearm in a crime, in which case the offense is a gross misdemeanor.

The crime does not apply if the firearm was secured in a locked box, gun safe, or other secure locked storage space, or secured with a lock or device that prevents the firearm from discharging. In addition, the crime does not apply if:

- in the case of a person who is a prohibited person on the basis of the person's age, access to the firearm was with the permission of a parent or guardian and supervised by an adult or in accordance with laws governing permissible possession of firearms by minors; or
- the prohibited person obtains, or obtains and discharges, the firearm in a lawful act of self-defense.

A prosecuting attorney may decline to prosecute an alleged violation that results in a death or serious injury if prosecution of the violation would serve no public purpose, defeat the purpose of the law, or result in decreased respect for the law.

A firearms dealer must offer to sell or give to a purchaser of any firearm a locked box, a lock, or a device that prevents the discharge of the firearm. In addition, firearms dealers must prominently post a sign on the premises, and deliver written materials to firearms purchasers, that provide a warning indicating that it is a crime to leave an unsecured firearm where a prohibited person can and does gain possession. A firearms dealer who violates these requirements is guilty of a class 3 civil infraction and subject to a fine of up to \$50.

Nothing in the act is intended to mandate how or where a firearm must be stored.

Appropriation: None.

Fiscal Note: Requested on 1/26/17.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.