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SENATE BILL 5463

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State of Washington

65th Legislature

2017 Regular Session

By Senators Palumbo, Frockt, Pedersen, Saldaña, Carlyle, Hunt, Kuderer, Rolfes, Darneille, Keiser, Llias, Billig, McCoy, and Wellman

Read first time 01/25/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to protecting public safety through responsible  
2 storage of firearms; adding new sections to chapter 9.41 RCW;  
3 creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that responsible  
6 firearm ownership includes the responsibility to safely store  
7 firearms so that children and other persons prohibited from  
8 possessing firearms do not inappropriately gain access to them.  
9 Unsafe storage of firearms can have devastating consequences for our  
10 communities and our children. The legislature intends by this act to  
11 establish standards for the responsible storage of firearms to reduce  
12 accidental gun injury and death of young children gaining access to  
13 unsafely stored guns, to reduce adolescent suicide, and to prevent  
14 youth and anyone prohibited from possessing firearms from accessing  
15 unsafely stored firearms to cause harm in the community.

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

18 (1) A person who stores or leaves a firearm in a location where  
19 the person knows, or reasonably should know, that a prohibited person  
20 is likely to gain access:

1 (a) Is guilty of community endangerment due to unsafe storage of  
2 a firearm in the first degree if a prohibited person obtains access  
3 and possession of the firearm and causes personal injury or death  
4 with the firearm; or

5 (b) Is guilty of community endangerment due to unsafe storage of  
6 a firearm in the second degree if a prohibited person obtains access  
7 and possession of the firearm and:

8 (i) Causes the firearm to discharge;

9 (ii) Exhibits the firearm in a public place or in an angry,  
10 threatening, or careless manner; or

11 (iii) Uses the firearm in the commission of a crime.

12 (2)(a) Community endangerment due to unsafe storage of a firearm  
13 in the first degree is a class C felony punishable according to  
14 chapter 9A.20 RCW.

15 (b) Community endangerment due to unsafe storage of a firearm in  
16 the second degree is a gross misdemeanor punishable according to  
17 chapter 9A.20 RCW.

18 (3) Subsection (1) of this section does not apply if:

19 (a) The firearm is secured in a locked box, gun safe, other  
20 secure locked storage space, or secured with a lock or any device  
21 that prevents the firearm from discharging;

22 (b) In the case of a person who is a prohibited person on the  
23 basis of the person's age, access to the firearm is with the lawful  
24 permission of the prohibited person's parent or guardian and  
25 supervised by an adult, or is in accordance with RCW 9.41.042; or

26 (c) The prohibited person obtains, or obtains and discharges the  
27 firearm in a lawful act of self-defense.

28 (4) If a death or serious injury occurs as a result of an alleged  
29 violation of subsection (1)(a) of this section, the prosecuting  
30 attorney may decline to prosecute, even though technically sufficient  
31 evidence to prosecute exists, in situations where prosecution would  
32 serve no public purpose, would defeat the purpose of the law in  
33 question, or would result in decreased respect for the law.

34 (5) For the purposes of this section, "prohibited person" means a  
35 person who is prohibited from possessing a firearm under RCW 9.41.040  
36 or under federal law.

37 (6) Nothing in this section mandates how or where a firearm must  
38 be stored.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 9.41 RCW  
2 to read as follows:

3        (1) When selling any firearm, every dealer shall offer to sell or  
4 give the purchaser a locked box, a lock, or a device that prevents  
5 the firearm from discharging.

6        (2) Every store, shop, or sales outlet where firearms are sold,  
7 that is registered as a dealer in firearms with the department of  
8 licensing, shall conspicuously post, in a prominent location so that  
9 all patrons may take notice, the following warning sign, to be  
10 provided by the department of licensing, in block letters at least  
11 one inch in height:

12        "YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN  
13 UNSECURED FIREARM WHERE A PERSON WHO IS PROHIBITED FROM POSSESSING  
14 FIREARMS CAN AND DOES OBTAIN POSSESSION."

15        (3) Every store, shop, or sales outlet where firearms are sold,  
16 that is registered as a dealer in firearms with the department of  
17 licensing, upon the sale or transfer of a firearm, shall deliver a  
18 written warning to the purchaser or transferee that states, in block  
19 letters not less than one-fourth inch in height:

20        "YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN  
21 UNSECURED FIREARM WHERE A PERSON WHO IS PROHIBITED FROM POSSESSING  
22 FIREARMS CAN AND DOES OBTAIN POSSESSION."

23        (4) Every person who violates this section is guilty of a class 3  
24 civil infraction under chapter 7.80 RCW and may be fined up to fifty  
25 dollars. However, no such fines may be levied until thirty days have  
26 expired from the time warning signs required under subsection (2) of  
27 this section are distributed by the department of licensing.

28        (5) Nothing in this section mandates how or where a firearm must  
29 be stored.

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