

# SENATE BILL REPORT

## SB 5028

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As of January 16, 1995

**Title:** An act relating to possession of firearms.

**Brief Description:** Clarifying the law relating to possession of firearms.

**Sponsors:** Senator Smith.

**Brief History:**

**Committee Activity:** Law & Justice: 1/16/95.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Cynthia Runger (786-7717)

**Background:** A person who has been convicted of a domestic violence offense or offense enumerated in the harassment statute loses his or her right to possess a firearm. This loss is for an indefinite period, unless the person receives a pardon or its equivalent for the conviction.

If a person loses his or her right to possess a firearm, the court must notify the person that he or she is ineligible to possess a firearm.

The firearms statute uses the terms "conviction" and "adjudication" in reference to crimes committed by adults and juveniles, respectively. Last session, with the understanding that "conviction" is also applicable to juveniles, the Legislature removed "adjudication" from the statute. However, there remains a concern that "conviction" may not always be applicable in cases involving juveniles.

**Summary of Bill:** With regard to domestic violence convictions, only persons who commit domestic violence offenses on or after July 1, 1994, are precluded from possessing firearms.

With regard to harassment offenses, only persons who commit the specific offense of harassment are precluded from possessing firearms.

Time limits are placed on the prohibition of possession of firearms after certain convictions. A person is no longer precluded from possessing a firearm: (1) three years after a misdemeanor or gross misdemeanor conviction; (2) five years after a class C felony conviction; or (3) ten years after a class B felony conviction.

It is not a defense to prosecution for improper possession of a firearm if a court fails to notify a person that he or she is ineligible to possess a firearm.

The term "adjudication" is restored in the firearms statute.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 1995.

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