

SENATE BILL REPORT

SB 6183

As of January 11, 1996

Title: An act relating to possession of firearms.

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

Sponsors: Senators Smith, Long and Schow.

Brief History:

Committee Activity: Law & Justice: 1/16/96.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Cynthia Runger (786-7717)

Background: If a person is precluded from possessing a firearm because of a conviction, he or she may regain his or her right to possess a firearm if he or she receives a pardon or its equivalent. In addition, a person prohibited from possessing a firearm, who has not previously been convicted of a class A felony or a sex offense prohibiting firearm ownership, may petition the court to have his or her right to possess a firearm restored if after five years the person lives in the community without being convicted of a felony, misdemeanor or gross misdemeanor.

Among the offenses prohibiting a person to possess firearms are any domestic violence offense and any offense enumerated in the harassment statute.

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.

Previously, the firearms statute used the terms "conviction" and "adjudication" in reference to the final judgment on a verdict or finding of guilt in adult and juvenile cases, respectively. Two sessions ago, with the understanding that "conviction" is also applicable to juveniles, the Legislature removed "adjudication" from the statute. There is a concern that the term "conviction" may not be applicable to juvenile cases.

Summary of Bill: A person may have his or her right to possess a firearm restored in a number of ways. In addition to restoration through a pardon or its equivalent, and petitioning a court after five years in the community without a felony, misdemeanor, or gross misdemeanor conviction, a person may have his or her right to firearms possession restored through automatic restoration. Firearms possession rights are automatically restored if: 1) three years elapse since the date of conviction or adjudication for a misdemeanor or gross misdemeanor; 2) five years elapse since the date of conviction or adjudication for a class C felony; or 3) ten years elapse since the date of conviction or adjudication for a class B felony.

Among the offenses prohibiting a person from possessing a firearm are any domestic violence offense committed on or after July 1, 1994, and the offense of harassment.

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: Available.

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