

# HOUSE BILL ANALYSIS

## HB 1424

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**Title:** An act relating to safe storage of firearms.

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

**Sponsors:** Representatives Ballasiotes, O'Brien, Lovick, Dickerson, Ogden, Tokuda, Mitchell, Hankins, Miloscia, Romero, Radcliff, Lantz, Constantine, Kenney, Wood, Veloria, Conway, Cody, Santos, Kagi, Regala, Edmonds, Keiser, Scott, Poulsen and McIntire.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**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. 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.

It is generally a class C felony for a minor to possess a firearm. However, numerous exceptions to this general rule exist. Under the state's firearms law, minors may possess a firearm:

- When attending a hunter's safety or firearms safety course;
- When shooting at an established range;
- When engaged in or practicing for an organized competition or performance;
- When hunting or trapping under a valid license;
- In an area where shooting a firearm is permitted if the minor: is under parental supervision; or is at least 14 years old, possesses a hunter safety certificate, and is using a firearm other than a pistol;
- When traveling to or from any of the above with an unloaded firearm;
- With parental permission when at home or on other property controlled by his or her parent; or
- When on duty as a member of the armed forces, national guard, or

organized reserves.

Some states have also made it a crime to fail to keep a firearm safely stored.

**Summary:**

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.

**Fiscal Note:** Requested on February 2, 1999.

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

