
Judiciary Committee

SB 6298

Title: An act relating to adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm.

Brief Description: Adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm.

Sponsors: Senators Dhingra, Palumbo, Saldaña, Frockt, Mullet, Takko, Kuderer, Darneille, Chase, Rolfes, Cleveland, Carlyle, Wellman, Hasegawa, Ranker, Keiser, Billig, Nelson, McCoy, Liias, Van De Wege, Pedersen, Hunt and Conway.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Makes it unlawful for a person to possess a firearm if the person has been convicted or found not guilty by reason of insanity of the crime of Harassment when committed against a family or household member on or after July 1, 1993.

Hearing Date: 2/21/18

Staff: Edie Adams (786-7180).

Background:

Federal and state law prohibit certain persons from possessing firearms, including persons convicted of felonies and certain misdemeanor domestic violence offenses, minors, and persons who have been involuntarily committed for mental health treatment. A violation of this prohibition under state law constitutes the felony crime of Unlawful Possession of a Firearm. The crime is a class C felony; however, if the basis for the prohibition is conviction of a serious offense, the crime is a class B felony.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State Misdemeanor Domestic Violence Disqualifiers.

Misdemeanor domestic violence offenses that disqualify a person from possessing firearms under state law are the following offenses if committed by one family or household member against another on or after July 1, 1993:

- Assault in the fourth degree;
- Coercion;
- Stalking;
- Reckless Endangerment;
- Criminal Trespass in the first degree; or
- violation of the provisions of a protection or no-contact order restraining the person or excluding the person from a residence.

State Misdemeanor Domestic Violence Disqualifiers.

Under federal law, a person convicted of a misdemeanor crime of domestic violence is prohibited from possessing a firearm. Misdemeanor crime of domestic violence means a misdemeanor offense that has as an element of the use or threatened use of physical force, or the threatened use of a deadly weapon, committed by:

- a current or former spouse, parent, or guardian of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or
- a person similarly situated to a spouse, parent, or guardian of the victim.

Crime of Harassment.

Under state law, a person is guilty of Harassment if the person knowingly threatens certain action and by words or conduct places the threatened person in reasonable fear that the threat will be carried out. The offense applies where the person threatens:

- to cause bodily injury immediately or in the near future to the person threatened or another;
- to cause physical damage to another's property;
- to subject any person to physical confinement or restraint; or
- maliciously to do any other act intended to substantially harm the physical or mental health or safety of the threatened person or another.

Harassment is a gross misdemeanor offense, except that under certain circumstances the offense becomes a class C felony.

Summary of Bill:

It unlawful for a person to possess a firearm if the person has been convicted or found not guilty by reason of insanity of the crime of Harassment when committed against a family or household member on or after July 1, 1993.

Appropriation: None.

Fiscal Note: Available.

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