

FINAL BILL REPORT

SB 6298

C 234 L 18
Synopsis as Enacted

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.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A person who has been convicted of a felony may not possess a firearm. In addition to felony convictions, a conviction of any one of several misdemeanor domestic violence offenses will prohibit firearm possession. Under federal law, any person who has been convicted of a misdemeanor crime of domestic violence may not ship, transport, possess, or receive a firearm. The term misdemeanor crime of domestic violence refers to all misdemeanors that involve the use or attempted use of physical force, or the threatened use of a deadly weapon against the victim.

Under state law, a person may not own a firearm if the person has been convicted or found not guilty by reason of insanity of any one of the following misdemeanor crimes committed by one family or household member against another:

- assault in the fourth degree;
- coercion;
- stalking;
- reckless endangerment;
- criminal trespass in the first degree; or
- violation of the provisions of a protection order or no contact order restraining the person or excluding the person from a residence.

A person also may not own a firearm during the period of time that the person is subject to any protection order, no-contact order, or restraining order and which finds the person represents a credible threat to the physical safety of the partner or child.

At the time a person is convicted or found not guilty by reason of insanity, the court must notify the person orally and in writing that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless the person's

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right to do so is restored by a court of record. Within three days after conviction, the court must forward a copy of the person's driver's license along with the date of conviction to the Department of Licensing for purposes of license revocation.

A person is guilty of harassment if the person knowingly threatens a person and by words or conduct, places the person in reasonable fear that the threat will be carried out. In order to constitute harassment, the person must threaten to:

- cause bodily injury to the person;
- cause physical damage to the property of the person;
- subject the person to physical confinement; or
- maliciously do any other act which is intended to substantially harm the person threatened.

Harassment is a gross misdemeanor.

Summary: A person convicted of the crime of harassment, when committed by one family member against another and committed on or after the effective date of this act, is prohibited from owning a firearm.

Votes on Final Passage:

Senate	34	13	
House	94	4	(House amended)
Senate	39	10	(Senate concurred)

Effective: June 7, 2018