

# SENATE BILL REPORT

## SB 6298

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As Amended by House, February 27, 2018

**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, Lias, Van De Wege, Pedersen, Hunt and Conway.

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/18, 1/30/18 [DP, DNP, w/oRec].

**Floor Activity:**

Passed Senate: 2/09/18, 34-13.

Passed House: 2/27/18, 94-4.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Adds the crime of harassment to the list of domestic violence misdemeanor convictions that prohibit possession of a firearm.</li></ul>
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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille and Frockt.

**Minority Report:** Do not pass.

Signed by Senator Wilson.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden, Ranking Member.

**Staff:** Shani Bauer (786-7468)

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*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.*

**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 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 to do any other act which is intended to substantially harm the person threatened.

Harassment is a gross misdemeanor.

**Summary of Bill:** 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 the act, is prohibited from owning a firearm.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: Domestic violence calls are one of the most dangerous for law enforcement. Almost half of women killed last year were killed by a family member; more than one in three women in the U.S. have experienced some form of domestic abuse at some point in their life; and a person is five times more likely to be murdered if there is a firearm in the home.

This bill addresses a conspicuous gap in the statute and is important to the safety of victims in the state. Victims should have the maximum protection that the law can provide, which includes preventing a perpetrator from possessing a firearm. Violence can easily reach lethal levels if a gun is readily available. Other domestic violence crimes are already included. It is common sense to include DV harassment.

Protection orders contain a detailed history of the domestic abuse in the relationship. The most prevalent is a pattern of threats and harassment. It is one of the most common forms of domestic abuse and is a promise to a victim that the perpetrator is going to carry out future violence. We cannot gamble with the lives of a victim by gambling that the perpetrator will not follow through on that threat. Fatality reviews show that precursor crimes of the perpetrator are typically pleaded down to lesser crimes such as harassment. Patterns of harassment are more predictive of future violence than a history of actual abuse. Further, many perpetrators of mass shootings have a history of domestic violence.

**Persons Testifying:** PRO: Senator Manka Dhingra, Prime Sponsor; Christopher Anderson, City of Seattle, City Attorney's Office, Director Domestic Violence Unit; Anne Crowley; Tamaso Johnson, Washington Coalition Against Domestic Violence; Okesia Phillips, citizen; David Martin, King County Prosecuting Attorney's Office.

**Persons Signed In To Testify But Not Testifying:** No one.

**EFFECT OF HOUSE AMENDMENT(S):**

- Provides that the crime of unlawful possession of a firearm based on a conviction for domestic violence harassment applies to domestic violence harassment crimes committed on or after the effective date of the act (rather than those committed on or after July 1, 1993).