

SENATE BILL REPORT

SHB 1903

As Passed Senate - Amended, February 28, 2024

Title: An act relating to reporting lost or stolen firearms.

Brief Description: Reporting lost or stolen firearms.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Berry, Taylor, Stonier, Fitzgibbon, Reed, Street, Callan, Walen, Peterson, Fosse, Reeves, Simmons, Kloba, Mena, Senn, Hackney, Goodman, Thai, Ryu, Cortes, Tharinger, Alvarado, Ramel, Duerr, Ramos, Bateman, Ormsby, Fey, Rule, Macri, Gregerson, Doglio, Orwall, Bergquist, Berg, Farivar, Ortiz-Self, Lekanoff, Nance, Riccelli, Pollet and Davis).

Brief History: Passed House: 2/9/24, 57-40.

Committee Activity: Law & Justice: 2/19/24, 2/20/24 [DP, DNP].

Floor Activity: Passed Senate - Amended: 2/28/24, 29-20.

Brief Summary of Bill (As Amended by Senate)

- Creates a civil infraction for the failure to report the loss or theft of a firearm to law enforcement within 24 hours.
- Requires law enforcement to enter lost and stolen firearms into the national Crime Information Center database.
- Requires licensing authorities, when issuing a firearm dealer's license, to issue dealers signage related to the possible civil and criminal penalties related to the failure to report a lost or stolen firearm and the unsafe storage of a firearm.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer, Pedersen, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Torres, Wagoner and Wilson, L..

Staff: Joe McKittrick (786-7287)

Background: A person is guilty of community endangerment due to unsafe storage of a firearm if the person stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person may gain access to the firearm, and thereafter a prohibited person gains access and possession of the firearm and:

- causes the firearm to discharge;
- carries, exhibits, or displays the firearm in a public place in a manner that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons;
- uses the firearm in the commission of a crime; or
- causes personal injury or death.

It is a defense to the crime of community endangerment due to unsafe storage of a firearm if the prohibited person gains access to the firearm as a result of unlawful entry and the unauthorized access or theft of the firearm is reported to a local law enforcement agency in the jurisdiction in which the unauthorized access or theft occurred within five days of the time the victim should have known the firearm had been taken.

Summary of Amended Bill: The owner or person in lawful possession of a firearm who suffers the loss or theft of the firearm must report the loss or theft to the local law enforcement agency where the loss or theft occurred within 24 hours after the person first discovered the loss or theft unless good cause exists for a delay in reporting.

The report to law enforcement must include, to the extent known:

- the caliber, make, model, manufacturer, and serial number of the firearm;
- any other distinguishing number or identification mark on the firearm; and
- the circumstances of the loss or theft, including the date, place, and manner.

Any person who fails to report a lost or stolen firearm commits a civil infraction and is subject to a fine of up to \$1,000. The imposition of the civil infraction is related to the failure to report the loss or theft of a firearm or firearms and is not related to the number of firearms lost or stolen in a single event.

A law enforcement agency that receives a report of a lost or stolen firearm must enter the provided information into the national Crime Information Center database.

Upon issuing a firearm dealer's license, the licensing authority must also issue the dealer signage the dealer must post in a conspicuous place at each point-of-sale that states in block letters not less than one inch in height:

FAILURE TO KEEP FIREARMS IN SECURE GUN STORAGE, OR SECURED WITH A TRIGGER LOCK OR SIMILAR DEVICE THAT IS DESIGNED TO PREVENT THE UNAUTHORIZED USE OR DISCHARGE OF THE FIREARM MAY SUBJECT YOU TO CRIMINAL PENALTIES. FAILURE TO REPORT THE LOSS OR THEFT OF A FIREARM MAY SUBJECT YOU TO A CIVIL PENALTY UP TO \$1,000.

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: This is a very simple bill that's about saving lives and preventing crime. It's a common-sense public safety measure that will keep our community safer. This bill will require that a gun owner report if their firearm is lost or stolen to law enforcement within 24 hours. It will make our community safer, and we know this works because we've seen it work in other states. In Washington between 2017 and 2021 that were an estimated 16,000 firearms taken from private citizens. Only about 25 percent of lost and stolen firearms are reported to police. Law abiding citizens would rather work with police to retrieve their guns than talk to police when their gun has been used by a criminal. The average time between the purchase of a firearm and recovery after it is lost or stolen is 4 years. This bill will help reduce that time and enable law enforcement to track and recover stolen firearms faster before they resurface in incidents traumatizing our families and communities. The right to gun ownership is not at all addressed, but the responsibility of gun ownership is addressed. There is ample evidence that stolen guns are often used in crimes. The reporting of missing weapons is crucial for law enforcement to recover and return lost or stolen guns to the rightful owner.

CON: This bill will not reduce crime, in fact, this bill doesn't even address crime. It serves simply as a punishment for victims of crime and a whopping \$1,000 fine for being the victim of theft. This bill would be better served to increase penalties for the actual crime of theft or prosecution for use of that firearm in a crime. Reporting, loss, or stolen firearms is sensible, but this bill goes too far. The bill does not define the term "loss." Similarly, the bill's requirement of reporting within 24 hours, would create a nearly impossible bar for gun owners who do not realize their firearm is stolen. Guns are best kept out of dangerous hands by ensuring that those dangerous hands are not breaking into homes or cars to steal and subsequently misuse them. This bill's only intent is to intimidate law-abiding gun owners and to continue to shift responsibility for crimes involving guns away from prolific

offenders and onto lawful gun owners.

Persons Testifying: PRO: Representative Liz Berry, Prime Sponsor; Liz Hjelmseth; April Schentrup; Karyn Brownson, King County Public Health; Genevieve Wieland, Moms Demand Action; Margaret Heldring, Grandmothers Against Gun Violence; Carol Butterfield, Moms Demand Action.

CON: Aoibheann Cline, NRA; Teo Morca; Anthony Mixer, Washington State Young Republicans; Laurie Layne.

Persons Signed In To Testify But Not Testifying: PRO: Lisa Settler; Diane Studley; Dr. Gwen Loosmore, Washington State PTA.

CON: Cheryl Osborne.