

SENATE BILL REPORT

SB 5164

AS OF FEBRUARY 1, 1991

Brief Description: Making it a crime to store a loaded firearm in such a way that a child is able to gain access to it.

SPONSORS: Senators Talmadge and Moore.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jon Carlson (786-7459)

Hearing Dates: February 5, 1991

BACKGROUND:

Accidental shootings involving children have often occurred because loaded guns were left accessible in the home. In response to this concern, Florida in 1989 became the first state to require that firearms be kept in locked cases or be stored with trigger locks in homes where children can be found. Similar legislation is suggested in this state to protect children from accidents that result from the careless storage of firearms, while continuing to uphold the adult citizens' existing firearm guarantees under the federal and state Constitutions.

SUMMARY:

A person is guilty of a misdemeanor if he or she improperly stores or leaves a loaded firearm, and if a child subsequently gains access to the firearm without lawful permission or supervision and exhibits the firearm in a public place or in a criminally negligent manner.

A person who stores or leaves a loaded firearm within easy access of a child is guilty of a class C felony if the child obtains the firearm and uses it to inflict injury or death upon himself or herself or any other person. The circumstances under which this provision is not applicable are also enumerated. In addition, when a child is accidentally shot by another family member, no arrest may be made prior to seven days after the shooting.

Proper storage under this act requires that a person keep the firearm in a locked container, a secure location, or secured with a trigger lock whenever a person, on a premise under his or her control, should reasonably know that a child is likely to gain access to the firearm without lawful supervision or permission. The storage requirements are not applicable when the firearm is being carried by or is in close proximity to the person.

Retail firearms dealers are required to warn purchasers in writing that it is unlawful to store or leave a firearm within the reach or easy access of a child. Retail or wholesale stores that sell firearms must conspicuously post such warning at each purchase counter. Failure to comply with the warning requirement is a misdemeanor.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: January 1, 1992