

1 **2SHB 2219** - H AMD TO H AMD (2219-S2 AMH THOM H5011.1) **207 FAILED**
2 **2-9-96**

3 Representatives Valle, Costa and Scott

4 On page 5, after line 1 of the amendment, insert the following
5 sections:

6 "NEW SECTION. **Sec. 34.** (1) The legislature finds that
7 placing firearms within the reach or easy access of children is
8 irresponsible and encourages accidents that result in serious
9 injury or death. Legislative action is necessary to prohibit
10 negligently stored firearms and to protect the safety of our
11 children.

12 (2) It is the intent of the legislature that parents and
13 guardians of children retain their constitutional right to keep and
14 bear firearms for hunting and sporting activities, for defense of
15 self, family, home, and business, and as collectibles. Nothing in
16 section 35 of this act shall be construed to reduce or limit any
17 existing right to purchase and own firearms or to provide authority
18 to any state or local agency to infringe upon the privacy of any
19 family, home, or business, except by lawful warrant.

20
21 NEW SECTION. **Sec. 35.** A new section is added to a chapter
22 9.41 RCW to read as follows:

23 (1) A parent or legal guardian of an unemancipated minor under
24 age 16, who stores or leaves a loaded firearm, as defined in RCW
25 9.41.010, on premises under the parent's or guardian's control, and
26 who knows or reasonably should know that the minor is likely to
27 gain access to the firearm without the parent's or guardians'
28 lawful permission or supervision, must keep the firearm in a
29 securely locked box or container or in a location that a reasonable
30 person would believe to be secure, or must secure it with a trigger
31 lock. This subsection (1) does not apply when the parent or
32 guardian carries the firearm on his or her person or within such
33 close proximity thereto that it can be retrieved and used as easily
34 and quickly as if carried on the body.

35 (2) The parent or guardian is guilty of a misdemeanor if the
36 parent or guardian violates subsection (1) of this section and as
37 a result of that violation, the parent's or guardian's child
38 obtains the firearm without the parent's or guardian's lawful
39 permission, and the child commits a crime not resulting in death or
40 injury to any person while armed with the firearm.

41 (3) The parent or guardian is guilty of a class C felony
42 punishable under chapter 9A.20 RCW if the parent or guardian
43 violates subsection (1) of this section and as a result of the
44 violation, the parent's or guardian's child obtains the firearm
45 without the parent's or guardian's lawful permission, and the child

1 commits a crime while armed with the firearm and the crime results
2 in death or injury to another person.

3 (4) This section does not apply if the child obtains the
4 firearm by unlawfully entering the parent's or guardian's premises
5 that the child may not enter pursuant to a court order.

6 (5) When any child shoots another family member, the parent or
7 guardian may not be arrested under this section prior to seven days
8 after the date of the shooting. With respect to any parent or
9 guardian of any deceased child, the investigating officers shall
10 file all findings and evidence with the prosecuting attorney's
11 office with respect to violations of this section. The prosecuting
12 attorney shall evaluate such evidence and shall take such action as
13 he or she deems appropriate under the circumstances and may file
14 charges against the appropriate parties.

15
16 NEW SECTION. Sec. 36. (1) Upon the retail commercial sale or
17 retail transfer of any firearm, the seller or transferor shall
18 deliver a written warning to the purchaser or transferee, which
19 warning states in block letters not less than one-fourth inch in
20 height:

21 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR A
22 PARENT OR GUARDIAN OF AN UNEMANCIPATED MINOR UNDER AGE 16 TO STORE
23 OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF
24 A CHILD EXCEPT AS PROVIDED IN SECTION 35 OF THIS ACT."

25 (2) Any retail or wholesale store, shop, or sales outlet that
26 sells firearms must conspicuously post at each purchase counter the
27 following warning in block letters not less than one inch in
28 height:

29 "IT IS UNLAWFUL FOR A PARENT OR GUARDIAN TO STORE OR LEAVE A
30 FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF THE
31 PARENT'S OR GUARDIAN'S CHILD EXCEPT AS PROVIDED IN SECTION 35 OF
32 THIS ACT."

33 (3) Any person or business knowingly violating a requirement
34 to provide a warning under this section is guilty of a
35 misdemeanor."

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38
39 Renumber remaining sections consecutively, correct internal
40 references accordingly and correct the title

EFFECT: If a parent or guardian fails to store a loaded
firearm in a manner required under the amendment and an
unemancipated minor under age 16 gains access to the firearm
and commits a crime while armed with a firearm, the parent or
guardian is guilty of a misdemeanor if the child commits a
crime that does not result in injury or death to any other

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person. If the child commits a crime while armed with the firearm that results in injury or death of another person, the parent or guardian is guilty of a class C felony. Notice of this potential liability must be given by retailers or wholesalers when customers buy firearms. Violation of the notice requirement is a misdemeanor.