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SENATE BILL 5317

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Kohl-Welles, Regala, Kline and Thibaudeau

Read first time 01/22/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to safe storage of firearms; amending RCW  
2 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 9A.36.050 and 1997 c 338 s 45 are each amended to read  
6 as follows:

7            (1) A person is guilty of reckless endangerment when he or she  
8 recklessly engages in conduct not amounting to drive-by shooting but  
9 that creates a substantial risk of death or serious physical injury to  
10 another person.

11            (2) Except as otherwise provided in this section, a person is  
12 guilty of reckless endangerment if the person stores or leaves a loaded  
13 firearm in a location where the person knows, or reasonably should  
14 know, that a child is likely to gain access, and a child obtains  
15 possession of the loaded firearm.

16            (3) Subsection (2) of this section does not apply if:

17            (a) The firearm is secured in a locked box, gun safe, other secure  
18 locked storage space, or secured with a lock or any device that  
19 prevents the firearm from discharging;

1       (b) The child's access to the firearm is supervised by an adult;  
2       (c) The child's access to the firearm was obtained as a result of  
3 an unlawful entry; or

4       (d) The child's access to the firearm was in accordance with RCW  
5 9.41.042.

6       (4) If a death or serious injury occurs as a result of an alleged  
7 violation of subsection (2) of this section, the prosecuting attorney  
8 may decline to prosecute, even though technically sufficient evidence  
9 to prosecute exists, in situations where prosecution would serve no  
10 public purpose, would defeat the purpose of the law in question, or  
11 would result in decreased respect for the law.

12       (5) For the purposes of this section:

13       (a) "Child" means a person under the age of sixteen years; and

14       (b) The definitions in RCW 9.41.010 apply throughout this section.

15       (6) Nothing in this section shall mandate how or where a firearm  
16 must be stored.

17       (7) Reckless endangerment is a gross misdemeanor.

18       NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW  
19 to read as follows:

20       (1) When selling any firearm, every dealer shall offer to sell or  
21 give the purchaser a locked box, gun safe, a lock, or any device that  
22 prevents the firearm from discharging.

23       (2) Every store, shop, or sales outlet where firearms are sold,  
24 that is registered as a dealer in firearms with the department of  
25 licensing, shall conspicuously post, in a prominent location so that  
26 all patrons may take notice, the following warning sign, to be provided  
27 by the department of licensing, in block letters at least one inch in  
28 height:

29       "IT IS UNLAWFUL TO STORE OR LEAVE AN UNSECURED, LOADED FIREARM  
30       WHERE A CHILD CAN AND DOES OBTAIN POSSESSION."

31       (3) Every person who violates this section is guilty of a class 3  
32 civil infraction under chapter 7.80 RCW, and may be fined up to fifty  
33 dollars. However, no such fines may be levied until thirty days have  
34 expired from the time warning signs are distributed by the department  
35 of licensing.

36       (4) Nothing in this section shall mandate how or where a firearm  
37 must be stored.

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