

SENATE BILL REPORT

SB 5342

As of January 28, 2005

Title: An act relating to safe storage of firearms.

Brief Description: Encouraging safe storage of firearms.

Sponsors: Senators Kohl-Welles, Regala, Fairley, Kline, Thibaudeau, McAuliffe and Keiser.

Brief History:

Committee Activity: Judiciary: 1/25/05.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: It is a class C felony (punishable by up to 30 days detention and other local sanctions for a first offense) for a minor to possess a firearm except for certain exceptions pertaining to supervised events or appropriate licenses. A person allowing access to a loaded firearm by a minor, in some cases, could be prosecuted as reckless endangerment, a gross misdemeanor.

Presently, 18 states have passed measures regarding the safe storage of firearms. There are no federal laws imposing criminal liability on adults who leave firearms accessible to minors.

Summary of Bill: Reckless endangerment includes leaving or storing a loaded firearm in a location where the person knows, or reasonably should know, that a child, under 16 years of age, is likely to gain access and the child actually obtains possession of the loaded firearm. A violation is a gross misdemeanor (up to one year in county jail).

The law does not apply if the firearm is secured in a locked box, gun safe, other locked storage space, or is secured with a lock or other device that prevents the firearm from discharging. Further, the law does not apply if the child's access to the firearm was supervised by an adult, obtained as a result of a unlawful entry, or was in accordance with RCW 9.41.042, pertaining to supervised events and appropriate licenses.

In cases when death or serious injury resulted from a child gaining access to the firearm, prosecuting attorneys retain the discretion to decline to prosecute, despite sufficient evidence to prosecute, if prosecution would serve no public purpose, would defeat the purpose of the law, or would result in decreased respect for the law.

Every firearms dealer must sell or give to the purchaser a locked box, gun safe, or a lock or device that prevents the firearm from discharging. Registered firearms dealers must also post a sign stating, "It Is Unlawful To Store Or Leave An Unsecured, Loaded Firearm Where a Child Can And Does Obtain Possession". Violations of this section are a class 3 civil infraction and can result in a fine of up to \$50.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: We need to do whatever we can to prevent gun violence and accidents to children. There have been 129 suicides and 15 firearms accidents by youths in Washington. Firearms are the third highest cause of accident related deaths for Washington children. Studies have shown a 5 to 10-fold risk of youth suicides if there is a firearm in the home. Science shows that these laws help prevent youth suicide. The bill does not take firearms away from anyone, it just requires responsible storage.

Testimony Against: Firearms owners are responsible people. Accidents related to firearms are at an all-time low. The Center for Disease Control study indicates that these laws do not prevent youth suicide. In states without similar laws, firearms accident reduction exceeded the reduction in states enacting them. Current law already provides a remedy to address the rare incident. We should look at programs that already are being implemented to increase firearm safety.

Who Testified: PRO: Senator Kohl-Welles, prime sponsor; Lt. Landy Black, Seattle Police Department; Dr. David Grossman, Group Health; Tony Gomez, Public Health Seattle and King County; Laura Hart, WA Physicians for Social Responsibility.

CON: Brian Judy, NRA; Joe Waldron, CCRKBA, WAC, WSR&PA, GOAL.