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## Judiciary Committee

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### HB 1676

**Title:** An act relating to safe storage of firearms.

**Brief Description:** Encouraging safe storage of firearms.

**Sponsors:** Representatives Kagi, Jinkins, Cody, Pedersen, Roberts, Freeman, Fitzgibbon, Hunt, Orwall, Appleton, Maxwell, Ryu, Pollet and Santos.

#### Brief Summary of Bill

- Provides that, under certain circumstances, a person is guilty of reckless endangerment for leaving or storing a loaded firearm in a location where a child is likely to and does gain access to the firearm.
- Requires firearms dealers to offer to sell or give purchasers a locked box, lock, or device that prevents a firearm from discharging, and to post a warning sign regarding potential criminal liability for unsafe storage of firearms.

**Hearing Date:** 2/13/13

**Staff:** Edie Adams (786-7180).

#### Background:

State firearms laws generally prohibit minors from possessing firearms, with a number of exceptions. Circumstances where a minor is permitted to possess a firearm include: hunting or trapping under a valid license; attending a hunter or firearms safety course; shooting at an established shooting range; engaging in an organized firearms competition; or acting with permission of a parent or guardian at home or on other property controlled by the parent or guardian.

State firearms laws make it unlawful for a person to deliver a firearm to anyone whom the person has reasonable cause to believe is ineligible under state law to possess a firearm. There are no laws specifically addressing liability for storing or leaving a firearm where a minor can obtain

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access. There are general criminal laws that could potentially apply to these circumstances, including manslaughter in the second degree, which involves causing the death of another person through criminal negligence, and reckless endangerment.

A person commits the crime of reckless endangerment if the person recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person. A person acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur, and the disregard of that risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

Reckless endangerment is a gross misdemeanor offense punishable by up to one year confinement in jail, a fine of up to \$5,000, or both.

**Summary of Bill:**

A person is guilty of reckless endangerment if the person stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child under the age of 16 is likely to gain access, and the child obtains possession of the firearm.

The crime does not apply if the firearm was secured in a locked box, gun safe, or other secure locked storage space, or secured with a lock or device that prevents the firearm from discharging. In addition, the crime does not apply if the child's access to the firearm was: supervised by an adult; obtained as a result of an unlawful entry; or in accordance with laws governing the permissible possession of firearms by minors.

A prosecuting attorney may decline to prosecute an alleged violation that results in a death or serious injury if prosecution of the violation would serve no public purpose, defeat the purpose of the law, or result in decreased respect for the law.

A firearms dealer must offer to sell or give to a purchaser of any firearm a locked box, a lock, or a device that prevents the discharge of the firearm. In addition, firearms dealers must prominently post on the premises where firearms are sold a warning sign indicating that it is a crime to leave an unsecured and loaded firearm where a child can and does gain access. A firearms dealer who violates these requirements is guilty of a class 3 civil infraction and subject to a fine of up to \$50.

Nothing in the act is intended to mandate how or where a firearm must be stored.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2013.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.