S-1163.1

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**SENATE BILL 5789**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Kohl-Welles, Fraser, Pedersen, Darneille, Billig, Keiser, McAuliffe, Nelson, Chase, and Frockt

AN ACT Relating to the protection of children through responsible storage of firearms; adding new sections to chapter 9.41 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. **Sec.**  The legislature finds that responsible firearm ownership includes the responsibility to safely store firearms so that children do not inappropriately get access to them. Unsafe storage of firearms can have devastating consequences for children in and out of the home and in the community. The legislature intends by this act to establish standards for the responsible storage of firearms to reduce the accidental gun injury and death of young children gaining access to unsafely stored guns, to reduce adolescent suicide, and to prevent youth from accessing unsafely stored firearms to cause harm in the community.

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

(1) A person who stores or leaves a firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access:

(a) Is guilty of child endangerment due to unsafe storage of a firearm in the first degree if a child obtains access and possession of the firearm and the child causes personal injury or death with the firearm; or

(b) Is guilty of child endangerment due to unsafe storage of a firearm in the second degree if a child obtains access and possession of the firearm and the child:

(i) Causes the firearm to discharge;

(ii) Exhibits the firearm in a public place or in an angry, threatening, or careless manner; or

(iii) Uses the firearm in the commission of a crime.

(2)(a) Child endangerment due to unsafe storage of a firearm in the first degree is a gross misdemeanor punishable according to chapter 9A.20 RCW.

(b) Child endangerment due to unsafe storage of a firearm in the second degree is a misdemeanor punishable according to chapter 9A.20 RCW.

(3) Subsection (1) of this section does not apply if:

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

(b) The child's access to the firearm is with the lawful permission of the child's parent or guardian and supervised by an adult;

(c) The child's access to the firearm was obtained as a result of an unlawful entry;

(d) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense;

(e) The firearm is kept on any premises under the custody or control of a person who has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises; or

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

(4) If a death or serious injury occurs as a result of an alleged violation of subsection (1)(a) of this section, the prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the purpose of the law in question, or would result in decreased respect for the law.

(5) For the purposes of this section, "child" means a person under the age of eighteen years.

(6) Nothing in this section mandates how or where a firearm must be stored.

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

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

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

"YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN UNSECURED FIREARM WHERE A CHILD CAN AND DOES OBTAIN POSSESSION."

(3) Every store, shop, or sales outlet where firearms are sold, that is registered as a dealer in firearms with the department of licensing, upon the sale or transfer of a firearm, shall deliver a written warning to the purchaser or transferee that states, in block letters not less than one-fourth inch in height:

"YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN UNSECURED FIREARM WHERE A CHILD CAN AND DOES OBTAIN POSSESSION."

(4) Every person who violates this section is guilty of a class 3 civil infraction under chapter 7.80 RCW and may be fined up to fifty dollars. However, no such fines may be levied until thirty days have expired from the time warning signs required under subsection (2) of this section are distributed by the department of licensing.

(5) Nothing in this section mandates how or where a firearm must be stored.

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