

HOUSE BILL REPORT

HB 2410

As Reported by House Committee On: Judiciary

Title: An act relating to requiring information about certain criminal defendants be included in the felony firearm offense conviction database.

Brief Description: Requiring information about certain criminal defendants be included in the felony firearm offense conviction database.

Sponsors: Representatives Hayes, Orwall, Klippert, Goodman, Griffey, Fitzgibbon, Magendanz, Muri and Ormsby.

Brief History:

Committee Activity:

Judiciary: 1/27/16, 2/4/16 [DPS].

Brief Summary of Substitute Bill

- Requires any person convicted of a felony firearm offense that was committed in conjunction with a crime involving sexual motivation, a crime against a child, or a serious violent offense to register in the felony firearm offense conviction database.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Omeara Harrington (786-7136).

Background:

Felony firearm offenders are persons who have been convicted or found not guilty by reason of insanity (NGRI) in this state of various felony firearm offenses. Upon conviction or finding of NGRI of a felony firearm offense, the court must consider whether to impose a

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requirement that the person register as a felony firearm offender. In exercising its discretion, the court must consider relevant factors including the person's criminal history, whether or not the person has been previously found NGRI of any offense in any state, and any evidence of the person's propensity for violence that would likely endanger others.

The Washington State Patrol (WSP) is required to maintain the felony firearm offense conviction database of felony firearm offenders. The database is only for law enforcement purposes and is not subject to public disclosure. A person required to register must do so in person with the county sheriff and must renew registration annually. The duty to register continues for four years. Upon expiration of the person's duty to register, the WSP must automatically remove the person's name and information from the registry. A person who has a duty to register and knowingly fails to comply with any of the registration requirements is guilty of a gross misdemeanor.

Summary of Substitute Bill:

In every case in which a defendant is convicted or found NGRI of a felony firearm offense that was committed in conjunction with a crime involving sexual motivation, a crime against a child under the age of 18, or a serious violent offense, the court must, rather than may, require the person to register as a felony firearm offender.

In other felony firearm offense cases, the court may impose a requirement that the defendant register as a felony firearm offender after weighing current statutory considerations.

Substitute Bill Compared to Original Bill:

Rather than requiring every felony firearm offender to register, as was required in the underlying bill, the court must impose a registration requirement only in those cases in which the felony firearm offense was committed in conjunction with an offense involving sexual motivation, an offense committed against a minor child, or a serious violent offense.

Current law is reinstated in cases in which registration is not automatically required, including the considerations for the court in deciding whether or not to require a felony firearm offender to register in the database.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The motivations behind passing the underlying law were increasing officer safety, by notifying officers of persons who have been convicted of violent felony firearm offenses in the past, as well as increasing accountability. The problem with the statute is that it is within the discretion of the judge whether or not to require registration. There are approximately 1,200 people eligible to register, but only 86 have actually been required to register. This database was meant as a tool for law enforcement, and judges are not utilizing it. The substitute version leaves the underlying statute in place and focuses on violent offenders. If a person uses a firearm against another person, they should be required to register.

The bill has the support of law enforcement stakeholder groups and firearms rights advocates. The bill is in line with the theme of enforcing existing laws, punishing those who commit firearm crimes, and not punishing law abiding citizens.

(Opposed) None.

Persons Testifying: Representative Hayes, prime sponsor; and Tom Kwieciak, National Rifle Association.

Persons Signed In To Testify But Not Testifying: None.