

# SENATE BILL REPORT

## SHB 2410

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As of February 25, 2016

**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:** House Committee on Judiciary (originally sponsored by Representatives Hayes, Orwall, Klippert, Goodman, Griffey, Fitzgibbon, Magendanz, Muri and Ormsby).

**Brief History:** Passed House: 2/15/16, 94-3.

**Committee Activity:** Law & Justice: 2/24/16.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Aldo Melchiori (786-7439)

**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 requirement that the person register as a felony firearm offender. In exercising its discretion, the court considers 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 automatically removes 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 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

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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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Entering these people in the database will help law enforcement determine whether the person has a prior felony firearm offense at the time they make a stop on the street. Judges are not currently using this database to the extent that they could. This will help law enforcement keep firearms out of the hands of criminals.

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

**Persons Signed In To Testify But Not Testifying:** No one.