
Civil Rights & Judiciary Committee

HB 2623

Brief Description: Prohibiting the possession of firearms by persons convicted of certain criminal offenses.

Sponsors: Representatives Walen, Valdez, Macri, Chapman, Kilduff and Senn.

Brief Summary of Bill

- Makes it unlawful for a person to possess a firearm if the person has previously been convicted or found not guilty by reason of insanity of Unlawful Aiming or Discharge of a Firearm or Dangerous Weapon or Animal Cruelty in the second degree.

Hearing Date: 1/29/20

Staff: Edie Adams (786-7180).

Background:

Unlawful Possession of a Firearm.

State law prohibits certain persons from possessing firearms, including persons convicted of felonies and certain misdemeanor domestic violence offenses, minors, and persons who have been involuntarily committed for mental health treatment. A violation of this prohibition constitutes the felony crime of Unlawful Possession of a Firearm. First-degree Unlawful Possession of a Firearm, a class B felony, applies if the basis for the prohibition is a conviction of a serious offense. Otherwise a violation constitutes Unlawful Possession of a Firearm in the second degree, a class C felony.

A person is prohibited from possessing firearms based on a prior criminal offense if the person has been convicted or found not guilty by reason of insanity, in this state or elsewhere, of any felony or of any of the following offenses when committed by one family or household member against another on or after July 1, 1993:

- Assault in the fourth degree;
- Coercion;

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- Stalking;
- Reckless Endangerment;
- Criminal Trespass in the first degree; or
- violation of the provisions of a protection or no-contact order restraining the person or excluding the person from a residence; or
- Harassment (only if committed on or after June 7, 2018).

Unlawful Aiming or Discharge of a Firearm or Dangerous Weapon.

Under the crime of Unlawful Aiming or Discharge of a Firearm or Dangerous Weapon, it is unlawful for a person to: aim any loaded or unloaded firearm at or towards any person; willfully discharge any firearm, air gun, or other weapon in a public place or in any place where a person might be endangered; or set a so-called trap, spring pistol, rifle, or other dangerous weapon. A violation is a gross misdemeanor offense.

Animal Cruelty in the Second Degree.

A person is guilty of Animal Cruelty in the second degree when the person:

- knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or
- takes control, custody, or possession of an animal that was involved in animal fighting and knowingly, recklessly, or with criminal negligence abandons the animal, causing the animal to suffer bodily harm or putting the animal at risk of bodily harm.

In addition, an owner of an animal is guilty of Animal Cruelty in the second degree when the person knowingly, recklessly, or with criminal negligence fails to provide necessary shelter, rest, sanitation, space, or medical attention resulting in unnecessary or unjustifiable pain to the animal, or by abandoning the animal.

Animal Cruelty in the second degree is a gross misdemeanor offense.

Summary of Bill:

A person commits the crime of Unlawful Possession of a Firearm in the second degree if the person possesses a firearm after having been convicted of Unlawful Aiming or Discharge of a Firearm or Dangerous Weapon or Animal Cruelty in the second degree, when committed on or after the effective date of the bill.

Technical amendments are made to a number of statutes to correct cross-references needed as the result of the renumbering of subsections.

Appropriation: None.

Fiscal Note: Requested on January 22, 2020.

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