

HOUSE BILL REPORT

HB 1900

*As Reported By House Committee on:
Judiciary*

Title: An act relating to firearm control.

Brief Description: Providing protection for children from firearms.

Sponsor(s): Representatives Scott, Cole, Roland, Ludwig, Forner, Wineberry, Locke, Appelwick, H. Myers, Rasmussen, Wang, Wynne and Anderson.

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1900 be substituted therefor, and the substitute bill do pass.* Signed by 11 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Locke; R. Meyers; H. Myers; Riley; Scott; D. Sommers; and Wineberry.

Minority Report: *Do not pass.* Signed by 8 members: Representatives Padden; Broback; Forner; Hargrove; Inslee; Mielke; Tate; and Vance.

Staff: Jeff Fishel (786-7191).

Background: A legal owner of a firearm has no statutory duty against leaving firearms where a child may gain access. Dealers are not required to offer safety devices for firearms.

Summary of Substitute Bill: It is a gross misdemeanor for an owner of a firearm to leave a loaded firearm, or an unloaded firearm that is accompanied by ammunition, where a child is likely to gain access to it. To be liable, the owner must have known, or reasonably should have known, that a child probably would gain access to the firearm. Various exceptions are provided to the prohibition against allowing access to a firearm. The prohibition does not apply to

firearms secured with a trigger lock, or to access gained by trespassing, or to a child with a valid hunting license.

A violator of this act may be fined not more than \$5,000 and imprisoned for not more than one year.

Licensed firearms dealers must offer a trigger lock with each sale. They must also post a sign warning buyers that it is unlawful to store or leave an unlocked firearm where children can obtain access.

A dealer who violates this section is subject to a \$500 fine.

Substitute Bill Compared to Original Bill: The substitute makes technical changes that identify the violations provided in the original bill. The substitute also adds the exception for children with hunting licenses.

Fiscal Note: Not requested.

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

Testimony For: Original Bill: The bill protects children from accidental shootings.

Testimony Against: Original Bill: The bill will not prevent harm to children from firearms, because it will only be enforced after there has been an accident. Education is the key. Programs such as the National Rifle Association's "Eddie the Eagle" program should be introduced in elementary schools. The requirement to post signs is not defined clearly.

Witnesses: Tim Erickson, Washington State Patrol (in favor of original bill); John Hosford, Citizens Committee for the Right to Keep and Bear Arms (opposes original bill); and Carl Nelson, Washington Retailers Association (opposes original bill).