

**SENATE BILL REPORT**

**SB 5825**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 5, 1991**

**Brief Description:** Restricting offenders' possession of firearms.

**SPONSORS:** Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler; by request of Department of Corrections.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5825 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Jon Carlson (786-7459)

**Hearing Dates:** March 4, 1991; March 5, 1991

**BACKGROUND:**

The Department of Corrections' community corrections officers currently supervise felon offenders in the community with increased emphasis on home and field contacts. These officers are finding that a growing number of the offenders under supervision are in possession of firearms or ammunition in violation of state and/or federal law. Concerned with community and officer safety, the Department of Corrections recommends that offenders under supervision be prohibited from possessing firearms or ammunition.

**SUMMARY:**

As a sentence condition and requirement, offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligations under the Department of Corrections may not own, use, or possess firearms or ammunition.

Offenders found in actual or constructive possession of firearms or ammunition are subject to the appropriate violation process and sanctions.

Firearms or ammunition owned, used, or possessed by offenders may be confiscated by community corrections officers and turned over to local law enforcement agencies for disposal as provided by law.

**EFFECT OF PROPOSED SUBSTITUTE:**

Firearms or ammunition owned, used, or possessed by offenders may be confiscated by community corrections officers and turned over to the Washington State Patrol for disposal as provided as law.

"Constructive possession" means the power and intent to control the firearms or ammunition.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Prohibiting the offender's possession of firearms and ammunition addresses the Department of Corrections' concern with regard to community and officer safety.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Dave Savage, Department of Corrections (pro); Bev Hermanson, Washington Federation of State Employees (pro); John Hosford, Citizens Committee for the Right to Keep and Bear Arms; Ted Cowan, King County Outdoor Sports Council