

HOUSE BILL REPORT

HB 1976

As Reported By House Committee On:
Judiciary

Title: An act relating to trigger-locking devices.

Brief Description: Requiring firearms dealers to offer trigger-locking devices.

Sponsors: Representative Scott.

Brief History:

Reported by House Committee on:
Judiciary, February 19, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Johanson; Locke; Long; H. Myers; Riley; Schmidt; Scott; and Wineberry.

Minority Report: Do not pass. Signed by 6 members: Representatives Padden, Ranking Minority Member; Campbell; Chappell; Forner; Mastin; and Tate.

Staff: Margaret Allen (786-7191).

Background: "Short firearm" or "pistol" means any firearm with a barrel less than 12 inches in length. Handguns are not specifically defined.

Current state law prohibits delivery of a short firearm or pistol to any person under the age of 21. The law permits licensed dealers to sell a short firearm or pistol to persons at least 21 years of age if those persons meet other specified criteria.

Despite the age limitation on the sale or delivery of these firearms, firearm injuries reportedly are the fourth leading cause of accidental death in children aged five to 14. According to the National Safety Council, in 1987, 40 children under age five died from unintentional firearm accidents; 30 of those deaths occurred at home. Another 190 children in the five- to 14-year age range were killed

unintentionally by firearms, 140 at home. Approximately 170 children in the 15- to 19-year age range died from unintentional firearm injuries, approximately 90 occurred at home.

Also according to the National Safety Council, the rate of self-inflicted firearm injuries is more than double for handguns than for other types of firearms.

While trigger-locking devices are available, firearms dealers are not required to offer, or to explain how such devices operate, to handgun purchasers.

Summary of Substitute Bill: "Handgun" is added to the list of firearms defined as having a barrel less than 12 inches long. "Trigger-locking device" also is defined.

Before selling a handgun, a licensed firearms dealer must offer the purchaser a trigger-locking device, explain its operation, and have the purchaser initial the purchase application to indicate the purchaser understands a trigger-locking device is available for purchase.

A first violation of the act is to result in a \$100 fine, a second violation in a \$200 fine, and a third violation in a 30-day suspension of the dealer's license.

There are exceptions for wholesales and sales to government law enforcement and armed services agencies.

Substitute Bill Compared to Original Bill: The original bill required the dealer to obtain either a sales receipt for a trigger-locking device, or the purchaser's signed statement declining to buy the device, and to keep the receipt or statement for six years.

The original bill also provided for criminal, rather than civil, penalties.

Fiscal Note: Not requested.

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

Testimony For: Children's easy access to firearms is alarming. Stricter controls and heightened responsibility in gun sales are needed.

Testimony Against: Dealers already are required to keep extensive records; it would be unreasonable to require them to maintain trigger-lock records for six years. This requirement will do nothing to stop crime or prevent

accidents. A person attacked could die because of the time it takes to remove a trigger lock.

Witnesses: James Kelly, Stop the Violence Gun Buy Back Project and Washington State Commission on African American Affairs (for); Peter Clarke, Stop the Violence Gun Buy Back Project (for); Linda Everett (against); and David Reynard (against).