

SENATE BILL REPORT

HB 1833

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 30, 1993

Brief Description: Conforming statutes relating to firearm handling by minors.

SPONSORS: Representatives Jacobsen and Appelwick

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Roach, and Spanel.

Staff: Jon Carlson (786-7459)

Hearing Dates: March 30, 1993

BACKGROUND:

The use of firearms by a minor statute prohibits a minor under the age of 14 years from possessing or controlling a firearm. Violating this prohibition, or aiding or knowingly permitting a minor to violate the prohibition, is a misdemeanor.

There are two exceptions to this prohibition: 1) when the minor is accompanied by, or under the immediate charge of, a parent, guardian, or other adult approved by the parent or guardian; and 2) when the minor is under the supervision of a certified safety instructor at an established gun range or firearm training class.

There is some concern that the age of majority statute may conflict with these exceptions. The statute makes it a gross misdemeanor to sell, give, or permit to be sold or given to anyone under the age of 18 years, a revolver or pistol. For example, the question has been raised whether a parent or safety instructor can legally give a minor temporary possession of a revolver or pistol for the purpose of firearm safety training.

SUMMARY:

The potential conflict is resolved by amending the age of majority statute to include by reference the exceptions in the use of firearms by minor statute.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The age of majority statute is amended to delete the provision which prohibits selling or giving a person under 18 years a revolver or pistol.

The statute which prohibits delivery of a pistol to any person under 21 is amended to include, by statutory reference, those circumstances when a minor under 14 may possess or control a firearm.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Under existing law, it is unclear whether a parent or guardian can legally take a child to a firing range. It is also uncertain whether firearm instructors can legally teach children firearm safety.

TESTIMONY AGAINST: None

TESTIFIED: Larry Lufkin, Merton Cooper, Dept. of Wildlife, Hunter Education Instructor (pro); George Schultz, Dept. of Wildlife, Hunter Education Instructor; Al Woodbridge, WA State Rifle & Pistol Assn. (pro)