

SENATE BILL REPORT

SB 6056

AS OF JANUARY 18, 1994

Brief Description: Restricting possession of firearms by certain persons.

SPONSORS: Senators Ludwig and Pelz

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jon Carlson (786-7459)

Hearing Dates: January 21, 1994

BACKGROUND:

"Short firearm" or "pistol" means any firearm with a barrel less than 12 inches in length.

A person is guilty of the crime of unlawful possession of a short firearm or pistol if the person owns or has in his or her possession a short firearm or pistol and 1) has been convicted of a crime of violence or of a felony in which a firearm was used or displayed; or 2) has been convicted of any felony violation of the Uniform Controlled Substances Act. Unlawful possession of a short firearm or pistol is a class C felony.

The prohibition extends to any firearm if a person has been subjected to a period of confinement under the criminal insanity statute, or at least 90 days confinement under the state's Involuntary Treatment Act. Unlawful possession of a firearm by a mentally ill or insane person is a class C felony.

A person is not precluded from possession of a pistol if the conviction is the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure. Also, a person who is convicted of an offense other than certain violent or drug felonies, and who receives probation and dismissal of the charge, is not prohibited from possessing a firearm.

In addition, rules are established by the Secretary of the Department of Social and Health Services (DSHS) to create an approval process which allows a person committed for treatment of mental illness or insanity to regain his or her right to possess a firearm. The rules must provide for the immediate restoration of the person's right to possess a firearm upon a court showing that the person is no longer required to: 1) participate in an inpatient or outpatient treatment program and 2) take medication to treat any condition related to the commitment.

SUMMARY:

The provisions of the Uniform Firearms Act concerning unlawful possession of a pistol are revised to include all firearms.

A person is guilty of unlawful possession of a firearm if the person possesses or controls a firearm and is previously convicted of a felony. Unlawful possession of a firearm is punished as the highest class of felony for which the person is previously convicted.

A person convicted of a class C felony may, after seven years, petition a community review board for firearm rights restoration. A person convicted of a class B felony may petition the community review board after 15 years. Petitioners must pay the sum of \$20 to the county treasury, and affirmatively show rehabilitation and responsible citizenship. After the board submits its findings to the superior court for review, the court must issue an order to the Department of Licensing affirming or denying the issuance of a firearm possession rights restoration license.

A person convicted of a class A felony cannot have his or her firearm rights restored.

The prohibition against firearm possession does not apply if the person convicted is subject to a pardon, annulment, or other equivalent procedure based on a finding of innocence.

The Secretary of DSHS is required to maintain a master file of all persons who are unable to possess a firearm due to mental incompetence, and must make the file available to law enforcement officials in order to determine eligibility for firearm possession or a concealed pistol license.

Appropriation: none

Revenue: none

Fiscal Note: requested January 13, 1994