

1 **HB 2078 - H AMD 397**

2 By Representative Ballasiotes

3 On page 1, beginning on line 5, strike all of section 1 and
4 insert the following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter
6 9A.36 RCW to read as follows:

7 (1) Except as otherwise provided in this section, a person is
8 guilty of a misdemeanor if the person stores or leaves a loaded
9 firearm in a location where the person knows, or reasonably should
10 know, that a child is likely to gain access to the firearm, and a
11 child obtains possession of the firearm.

12 (2) If a death or serious injury occurs as a result of a
13 violation of this section, the person is guilty of a gross
14 misdemeanor.

15 (3) This section does not apply if:

16 (a) The firearm was secured in a locked box, gun safe, or
17 other secure locked storage space, or was secured with a trigger
18 lock or other similar device that prevents the firearm from
19 discharging;

20 (b) The child's access to the firearm was supervised by an
21 adult;

22 (c) The child's access to the firearm was obtained as a result
23 of an unlawful entry;

24 (d) The child's access to the firearm occurred during a law
25 enforcement officer's performance of official duties; or

26 (e) The child's access to the firearm was in accordance with
27 the provisions of RCW 9.41.042.

28 (4) If a death or serious injury occurs as a result of an
29 alleged violation of this section, the prosecuting attorney shall
30 consider the impact of the death or serious injury on the person
31 who allegedly violated this section when deciding whether to file
32 charges. If a person who allegedly violated this section is a
33 family member of the child accidentally shot or killed, then an
34 arrest may not be made until seven days after the shooting.

35 (5) For the purposes of this section:

36 (a) "Child" means a person under the age of fifteen years; and

1 (b) The definitions in RCW 9.41.010 apply."

EFFECT: Makes two separate offenses: A misdemeanor if a child gains possession of a firearm; and a gross misdemeanor if the access to the firearm results in a death or serious injury.