

HOUSE BILL ANALYSIS

HB 2078

Title: An act relating to the safe storage of firearms.

Brief Description: Requiring the safe storage of a firearm.

Sponsors: Representatives Ballasiotes, Costa, Skinner, Radcliff, Cody, Scott, Anderson, Constantine, Morris, Keiser, Wood, Lantz, Ogden, Appelwick, Blalock, O'Brien, Dickerson, Murray, Poulsen, Cole, Regala and Tokuda.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: It is generally illegal for a minor to possess a firearm. However, numerous exceptions to this general rule exist. Under the state's firearms law, minors may possess a firearm:

- o When attending firearms training or safety courses;
- o When shooting at an established range;
- o When engaged in or practicing for an organized competition or performance;
- o When hunting or trapping;
- o In an area where shooting a firearm is permitted if the minor: is under parental supervision, or is at least 14 years old, possesses a hunter safety certificate, and is using a firearm other than a pistol;
- o When traveling to or from any of the above with an unloaded firearm; or
- o With parental permission when at home or on other property controlled by his or her parent.

If a minor gets possession of a firearm and injures or kills himself or herself, or another, the adult responsible for the firearm may be civilly liable for the injury or death. It has been said that a person must take the utmost care— in storing dangerous items like explosives or firearms. The degree of care must be commensurate with the dangerous character of the article and is greater and more exacting as respects young children.— *Boggess v. King County*, 150 Wash. 578, 588 (1929).

Some states have also made it a crime to fail to keep a firearm safely stored.

Summary of Bill: It is a gross misdemeanor to leave a loaded firearm where it is known or reasonably should be known that a child is likely to gain access, and a child under the age of 16 does get possession of the firearm.

The crime does not apply if:

- o The firearm is securely stored or protected by a trigger lock;
- o Access to the firearm is supervised by an adult;
- o Access to the firearm was the result of unlawful entry;
- o Access occurred during a police officer's performance of duties; or
- o Possession by the child was authorized by the state's firearm law.

If an alleged violation of this provision leads to serious injury or death, the prosecuting attorney is to consider the impact of the injury or death on the potential defendant before filing charges. If the potential defendant is a member of the same family as a child victim, then no arrest may be made until seven days after the shooting.

Firearms dealers are required to offer to sell or give purchasers of firearms a locked box or trigger lock with the purchase of each firearm. Dealers are required to post conspicuously a notice warning that it is unlawful to leave an unsecured loaded firearm where children can obtain access. A violation of these provisions is a civil infraction subject to a fine of up to \$50.00.

Fiscal Note: Not requested.

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