
HOUSE BILL 3102

State of Washington

55th Legislature

1998 Regular Session

By Representatives Ballasiotes, Costa, Radcliff, Mitchell, Tokuda, Constantine and Ogden

Read first time 02/02/98. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to the safe storage of firearms; amending RCW
2 9A.36.050; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.36.050 and 1997 c 338 s 45 are each amended to read
5 as follows:

6 (1) A person is guilty of reckless endangerment when he or she
7 recklessly engages in conduct not amounting to drive-by shooting but
8 that creates a substantial risk of death or serious physical injury to
9 another person.

10 (2) With regard to the storage of firearms, a person shall not be
11 charged with or found guilty of reckless endangerment unless all of the
12 following facts are present:

13 (a) He or she stores a loaded firearm within any premise under his
14 or her custody or control; and

15 (b) He or she knows or reasonably should know that a child is
16 likely to gain access to the firearm without the permission of the
17 child's parent or parents or legal guardian; and

18 (c) The child obtains access to the firearm; and

1 (d) The child subsequently causes the death of or serious physical
2 injury to himself, herself, or another person.

3 (3) Notwithstanding the provisions of subsection (2) of this
4 section, a person shall not be charged with or found guilty of reckless
5 endangerment whenever any of the following facts are present:

6 (a) The child's access to the firearm was supervised by an adult;
7 or

8 (b) The child obtains the firearm as a result of an unlawful entry
9 by any person; or

10 (c) The firearm is kept in a locked container or other secure
11 locked storage space or room or in a location or manner which a
12 reasonable person would believe to be secure; or

13 (d) The firearm is carried on the person or within such a close
14 proximity thereto so that the individual can readily retrieve and use
15 the firearm as if carried on the person; or

16 (e) The child possesses the firearm in accordance with RCW
17 9.41.042.

18 (4) As used in this section, the following definitions shall apply:

19 (a) "Loaded firearm" means "loaded" as defined in RCW 9.41.010; and

20 (b) "Child" is a person under fourteen years of age.

21 (5) In any alleged violation of subsection (2) of this section, the
22 prosecuting attorney shall consider:

23 (a) The impact of the serious physical injury or death on the
24 person who allegedly committed the violation; and

25 (b) Any good faith attempt on the part of the person who allegedly
26 committed the violation to educate the child on the usage, handling, or
27 dangers of a loaded firearm.

28 (6) If a person who allegedly committed a violation of subsection
29 (2) of this section is an immediate family member of a person seriously
30 physically injured or killed, an arrest may not be made until fourteen
31 days after the serious physical injury or death.

32 (7) Nothing in this section mandates how or where a firearm must be
33 stored.

34 (8) Reckless endangerment is a gross misdemeanor.

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