

SENATE BILL REPORT

SB 5017

As of February 10, 1999

Title: An act relating to access to firearms by minors.

Brief Description: Making it a crime to keep a loaded firearm where a minor could gain access to it.

Sponsors: Senators McAuliffe, B. Sheldon, Thibaudeau, Patterson, Fraser, Franklin, Kline, Winsley and Kohl-Welles.

Brief History:

Committee Activity: Judiciary: 2/5/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Harry Steinmetz (786-7421)

Background: In Washington State it is a class C felony for a minor to possess a firearm with certain exceptions pertaining to supervised events or appropriate licenses. Allowing a minor access to a loaded firearm could be prosecuted as reckless endangerment, a gross misdemeanor. Reckless endangerment is not specific to firearms and does not provide exceptions where access to the weapon is gained through the minor's illegal conduct.

In Washington State between 1989 and 1996, 112 children, age 19 and under, were killed by unintentional firearm incidents. An additional 368 children suffered non-fatal hospitalizations from unintentional firearm incidents.

Presently, 16 other states have passed measures calling for the safe storage of firearms.

Summary of Bill: A new crime is created, making it illegal to store or keep a loaded firearm on the premises if the person knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or guardian or the supervision required by law. A violation of this law is a misdemeanor if the child gains access and possesses or exhibits the firearm in a public place and in a reckless or criminally negligent manner. A violation of the law is a class C felony if the minor gains access to the firearm and uses it to inflict injury or death on him/herself or another person.

The law is inapplicable if the firearm was stored or left in a securely locked box, kept in a location that a reasonable person would have believed to be secure, is secured with a trigger lock, or the minor obtains the firearm as a result of an unlawful entry by any person.

"Minor" is defined as a person under the age of 16.

Appropriation: None.

Fiscal Note: Requested on February 2, 1999.

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

Testimony For: This bill is about keeping children safe. It is a common sense approach to making the gun owners responsible for their guns. Responsible gun owners are protected from criminal liability.

Testimony Against: This bill violates the Washington State Constitution. The language is vague and unworkable. It would create an unreasonable intrusion into private homes. The bill creates a safety risk and makes it more difficult to protect yourself and family.

Testified: PRO: Senator McAuliffe, prime sponsor; CON: David Reynard; Louis A. Huber, Olympic Outfitters; Don Roberts, North Olympic Peninsula Phone Tree; Larry Witt; Ted Cowan, WA State Big Game Council; John Hubbard, WSR&PA; Brian Judy, NRA.