

HOUSE BILL REPORT

HB 1121

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to safe storage of firearms.

Brief Description: Encouraging safe storage of firearms.

Sponsors: Representatives Ballasiotes, Jarrett, Hankins, Tokuda, Lovick, Schual-Berke, Ruderman, Mitchell, Darneille, O'Brien, McIntire, Keiser, Kenney, Hunt, Cody, Edwards, Edmonds, Kagi and Lantz.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/01, 2/21/01 [DP].

Brief Summary of Bill

- Provides that, under certain circumstances, a person is guilty of the crime of reckless endangerment for leaving or storing a loaded firearm in a location where a child is likely to and does gain access to it.
- Requires firearms dealers to offer to sell or give purchasers a locked box, lock, or device that prevents a firearm from firing, and to post a warning sign regarding safe storage of firearms.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 6 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Kagi, Kirby and Morell.

Minority Report: Do not pass. Signed by 2 members: Representatives Ahern, Republican Vice Chair; and Cairnes.

Staff: Jean Ann Quinn (786-7310).

Background:

A person is guilty of reckless endangerment if the person recklessly engages in conduct (not amounting to drive-by shooting) that creates a substantial risk of death or serious physical injury to another person. A person acts recklessly when he or she knows of and disregards a substantial risk and the disregard of that risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

Reckless endangerment is a gross misdemeanor, punishable by not more than one year of confinement in the county jail, a fine of not more than \$5,000 or both.

Under the state's firearms law, a minor may possess a firearm in certain circumstances, such as when hunting or trapping under a valid license, attending a firearms safety course, shooting at an established shooting range, or acting with parental permission at home or on other property controlled by the parent. A minor may also possess a firearm in an area where shooting is permitted if the parent is supervising the minor or the minor is at least 14 years old, has a hunter safety certificate, and is not using a pistol.

Summary of Bill:

A person is guilty of the crime of reckless endangerment, a gross misdemeanor, if the person stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child under the age of 16 is likely to gain access, and the child obtains possession of the loaded firearm. However, the crime does not apply if the firearm is secured in a locked box, gun safe, other secure locked storage space, or secured with a lock or other device that prevents the firearm from discharging. It also does not apply if the child's access to the firearm is supervised by an adult, was obtained as a result of an unlawful entry, or is authorized by the state's firearms law.

If an alleged violation of this provision leads to serious injury or death, the prosecuting attorney may decline to prosecute in situations where prosecution would serve no public purpose, would defeat the purpose of the law, or would result in decreased respect for the law.

Every firearms dealer is required to offer to sell or give purchasers a locked box, a lock, or a device that prevents the firearm from discharging. Registered firearms dealers are required to conspicuously post a sign warning that it is unlawful to store or leave an unsecured, loaded firearm where a child can and does obtain possession. A violation of this section is a class 3 civil infraction subject to a fine of up to \$50.

It is stated that nothing in the legislation mandates how or where a firearm must be stored.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill addresses a real and specific concern about responsible gun ownership and preventing accidental death. It simply says that if you own a gun, please store it where a kid can't get it. And, if you lock it up and a kid gets it, you won't be liable. It doesn't mandate trigger locks or any change in how parents currently store their firearms " that's up to them. The hammer only comes into play if the child gets the unsecured firearm and it is used to harm another. The bill creates incentives for firearms to be stored safely, and it will reduce the unintentional shooting of children. It also protects the rights of gun owners. There are locking devices available now that allow for easy access.

Firearm safety is both a public health and a public safety issue. The bill will positively reduce accidents, gun violence, and teenage suicides. There are serious financial costs involved with gun violence, as well as devastating emotional costs to gunshot victims. Although people were fearful at first, this type of law has had a positive effect in Florida and other states where it has been enacted, and has reduced the unintentional shooting of children. The same would be true in Washington. It is a common sense approach that will raise awareness of the options for storing firearms and of the possible consequences for not doing so. Prosecutors can't always prosecute cases under the current reckless endangerment statute because there is a standard of recklessness that must be met. The bill is good public policy and will save lives. Proper storage of firearms in the home will also discourage the theft of these weapons. Education is not enough; guns are a fascination for children, and very young children in particular do not understand that a gun is a lethal weapon.

Testimony Against: The bill is redundant with respect to Washington law already on the books, which can be used successfully to take care of these problems. Prosecutors can charge under current law, but they don't. The bill ignores the studies that have shown that the savings incurred " in lives and property " from people using a firearm for personal defense far surpasses the price of injury or loss caused by the misuse of handguns. Kids need to be taught responsibility and safety. There is no reason to create a whole new law. California has a mandatory storage law when parents are not at home, and this led to a child being unable to protect her siblings from a deadly attacker.

Lock boxes won't eliminate any tragedies. It is extremely difficult to get into lock boxes when under stress, and often there isn't time. Education is much more effective. The Eddie Eagle program has been very successful in teaching kids not to touch guns, but the Legislature is unwilling to make this mandatory in the schools. Personal responsibility, parental responsibility, and education are key. The majority of gun owners are responsible citizens. And it's not responsible gun owners that are causing firearm deaths " it's criminals and gang members.

Testified: (In support) Representative Ballasiotes, prime sponsor; Peggy Saari, League of Women Voters of Washington; Randi Abrams and Chief Gil Kerlikowske, city of Seattle; Marilyn Canfield, Million Mom March; Lonnie Johns-Brown, Mothers Against Violence In America; Roy Farrell, M.D., Washington State Medical Association; and Tom McBride.

(Opposed) Dennis Cook, Myrtle Cooper, and Merton Cooper, citizens; and Al Woodbridge, Washington Firearm Rights Coalition.