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## Judiciary Committee

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### ESSB 5697

**Title:** An act relating to requiring firearms safety devices and gun safes to meet minimum standards if purchased, used, or issued by governmental agencies and limiting the civil liability of governmental agencies and agents who provide or properly use approved firearms safety devices or gun safes.

**Brief Description:** Requiring firearms safety devices and gun safes to meet minimum standards if purchased, used, or issued by governmental agencies and limiting the civil liability of governmental agencies and agents who provide or properly use approved firearms safety devices or gun safes.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Hargrove and Schoesler).

**Brief Summary of Engrossed Substitute Bill**

- Requires that any gun safe or firearms safety device issued, purchased, or used by a governmental agency meet minimum standards.
- Limits the liability of governmental agencies and agents for civil damages resulting from the purchase, possession, or proper use of an approved gun safe or firearms safety device.

**Hearing Date:** 2/16/12

**Staff:** Omeara Harrington (786-7136).

**Background:**

Law enforcement officers working for various governmental agencies may be issued firearms for use in their official duties. Some governmental agencies provide gun safes or firearms safety devices for their employees to use at home to secure their government-issued firearms while off-duty.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Gun Safes and Firearms Safety Devices.

Generally, a gun safe is a locking container used to secure one or more firearms and/or ammunition. Gun safes prevent access to unauthorized or unqualified parties and protect against theft or damage. Gun safes come in many shapes and sizes, and may include additional security features such as voice-activated locks and fingerprint identification. A firearms safety device is a locking device designed to prevent unauthorized users from firing a firearm. A safety device may be installed on a firearm, be incorporated into the design of a firearm, or prevent access to the firearm. Examples of these devices include trigger locks, cable locks, and chamber locks.

### California Law.

Pursuant to California's Aroner-Scott-Hayden Firearms Safety Act of 1999, all firearms sold or transferred in California must include or be accompanied by an approved firearms safety device unless the purchaser or transferee owns a state-approved gun safe. The California Attorney General has developed minimum safety standards for firearms safety devices and gun safes. In addition, the California Department of Justice compiles, publishes, and maintains a roster listing all of the firearms safety devices that have been tested by a certified testing laboratory and have been determined to meet the department's standards for firearms safety. Gun safes do not have to be tested, thus, some models that comply with minimum safety standards may not appear on the roster.

### **Summary of Bill:**

Any gun safe or firearms safety device issued, purchased, or used by a governmental agency must meet certain minimum standards on the date of purchase. Devices or safes identified by the California Department of Justice as of July 1, 2012, will qualify as having met minimum standards. Governmental agencies are not required to purchase, use, or issue firearms safety devices or gun safes.

Governmental agencies and agents are not liable for civil damages resulting from the purchase, possession, or proper use of a firearms safety device or a gun safe that meets the minimum standards set by the California Department of Justice as of July 1, 2012. Likewise, governmental agencies and agents are not liable for purchase, possession, or proper use of a firearms safety device or gun safe identified as appropriate for that firearm that was purchased prior to July 1, 2012. A governmental agency that has purchased or issued a gun safe or a firearms safety device prior to July 1, 2012 that is not included on the minimum standards roster maintained by the California Department of Justice will be obligated to replace the device or safe with one that appears on the roster or remove any requirement that the agent use the gun safe or firearms safety device.

Definitions are provided for firearm, firearms safety device, governmental agency, and gun safe.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 15, 2012.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.