

SENATE BILL REPORT

SB 5697

As of January 17, 2012

Title: An act relating to minimum standards for firearms safety devices and gun safes used by governmental agencies that purchase, receive, possess, use, or issue firearms and government agents who receive, possess, or use a firearm issued to the agent by the agency.

Brief Description: Addressing the minimum standards for firearms safety devices and gun safes used by certain governmental agencies that purchase, receive, possess, use, or issue firearms and government agents who receive, possess, or use a firearm issued to the agent by the agency.

Sponsors: Senators Hargrove and Schoesler.

Brief History:

Committee Activity: Judiciary: 1/13/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: Generally, a gun safe is a secure and protective storage container for one or more firearms and/or ammunition. Gun safes are used to prevent access to unauthorized or unqualified parties, protect against burglars, and, in more capable safes, to protect the contents from damage during a flood or fire. 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. The device may be installed on a firearm, be incorporated into the design of a firearm, or prevent access to the firearm. There are many manufacturers and dealers of gun safes and firearms safety devices, and their products differ in both strength and quality.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed First Substitute): A governmental agency that purchases, receives, possesses, uses, or issues a firearm must ensure that the firearm includes or is accompanied by a firearms safety device or gun safe that is identified as appropriate for that firearm. A government agent who receives, possesses, or uses a firearm issued to the agent by the agency must ensure that the firearm includes or is accompanied by a firearms safety

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device or gun safe appropriate for that firearm. Governmental agencies and agents have until July 31, 2014, to comply.

Firearms safety devices and gun safes must meet the minimum standards for firearms safety devices and gun safes as determined by the attorney general (AG). Specifications for gun safe construction are identified. The AG certifies laboratories to verify compliance with standards for firearms safety devices and gun safes. The AG may charge a fee to any laboratory seeking certification to test the safety devices or safes, the fee must not exceed the costs of certification. The tests and retests of the safety devices or safes conducted by the laboratories are done at the manufacturer's or dealer's expense. By July 2012, the AG must publish a roster of approved firearm safety devices or gun safes.

A governmental agency or agent is not liable for civil damages resulting directly or indirectly from the purchase, possession, or proper use of a firearms safety device or gun safe that is identified as appropriate for that firearm and certified by the AG. Nor is a governmental agency or agent liable for the purchase, possession, or proper use of a firearm safety device or gun safe identified as appropriate for that firearm that was purchased prior to the effective date of the act.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 5, 2012.
[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill addresses a serious safety concern for the citizens of Washington, especially those who work in law enforcement, their families, and children. In the past, little research has been done by governmental agencies to ensure that the firearm safety devices they purchased and issued to law enforcement officers were actually safe to use. There are no minimum standards in place in Washington. Only California has established minimum comprehensive standards for these devices. There are economically affordable small safes that meet the gun safe standards defined in the bill.

OTHER: Requiring these devices to be issued would be a significant cost to many governmental agencies. There are 800 fish and wildlife volunteers and many hunter safety instructors who are agents of the state and all of these people would be required to have gun safes or safety devices issued by the agency. The term firearm needs to be defined.

Persons Testifying: PRO: Ed Owens, citizen; Kristie Owens, citizen; Ed Owens, citizen.

OTHER: Jason Berry, WSP; Bruce Bjork, WA Department of Fish and Wildlife.