
Judiciary Committee

HB 1747

Title: An act relating to the protection of children through responsible storage of firearms.

Brief Description: Concerning the protection of children through responsible storage of firearms.

Sponsors: Representatives Kagi, Jinkins, Carlyle, Senn, Robinson, Walkinshaw, Appleton, Cody, Fitzgibbon, Tharinger, S. Hunt, Goodman, Farrell and Santos.

Brief Summary of Bill

- Provides that, under certain circumstances, a person is guilty of Child Endangerment Due to Unsafe Storage of a Firearm for leaving or storing a loaded firearm in a location where a child is likely to, and does gain access to, the firearm.
- Requires firearms dealers to offer to sell or give purchasers a locked box, lock, or device that prevents a firearm from discharging, and provide warnings regarding potential criminal liability for unsafe storage of firearms.

Hearing Date: 1/21/16

Staff: Edie Adams (786-7180).

Background:

State firearms laws generally prohibit minors from possessing firearms, with a number of exceptions. Circumstances where a minor is permitted to possess a firearm include: hunting or trapping under a valid license; attending a hunter or firearms safety course; shooting at an established shooting range; engaging in an organized firearms competition; or acting with permission of a parent or guardian at home or on other property controlled by the parent or guardian.

State firearms laws make it unlawful for a person to deliver a firearm to anyone whom the person has reasonable cause to believe is ineligible under state law to possess a firearm. There are no

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laws specifically addressing liability for storing or leaving a firearm where a minor can obtain access to the firearm.

Summary of Bill:

A new crime of Child Endangerment Due to Unsafe Storage of a Firearm is created. A person is guilty of Child Endangerment Due to Unsafe Storage of a Firearm if the person stores or leaves a firearm in a location where the person knows, or reasonably should know, that a child under the age of 18 is likely to gain access, and the child obtains access and possession of the firearm and either:

- causes personal injury or death with the firearm, in which case the offense is a gross misdemeanor; or
- causes the firearm to discharge, exhibits the firearm in a public place or in an angry, threatening, or careless manner, or uses the firearm in a crime, in which case the offense is a misdemeanor.

The crime does not apply if the firearm was secured in a locked box, gun safe, or other secure locked storage space, or secured with a lock or device that prevents the firearm from discharging.

In addition, the crime does not apply if:

- the child's access to the firearm was with the permission of a parent or guardian and supervised by an adult;
- the child's access to the firearm was obtained as a result of an unlawful entry;
- the child obtains, or obtains and discharges, the firearm in a lawful act of self-defense;
- the firearm is kept on premises under the custody of a person who has no reasonable expectation that a child is likely to be present on the premises; or
- the child's access to the firearm was in accordance with laws governing the permissible possession of firearms by minors.

A prosecuting attorney may decline to prosecute an alleged violation that results in a death or serious injury if prosecution of the violation would serve no public purpose, defeat the purpose of the law, or result in decreased respect for the law.

A firearms dealer must offer to sell or give to a purchaser of any firearm a locked box, a lock, or a device that prevents the discharge of the firearm. In addition, firearms dealers must prominently post a sign on the premises, and deliver written materials to firearms purchasers, that provide a warning indicating that it is a crime to leave an unsecured firearm where a child can and does gain possession. A firearms dealer who violates these requirements is guilty of a class 3 civil infraction and subject to a fine of up to \$50.

Nothing in the act is intended to mandate how or where a firearm must be stored.

Appropriation: None.

Fiscal Note: Requested on 1/13/16.

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