

SENATE BILL REPORT

SB 5463

As of January 12, 2018

Title: An act relating to protecting public safety through responsible storage of firearms.

Brief Description: Protecting public safety through responsible storage of firearms.

Sponsors: Senators Palumbo, Frockt, Pedersen, Saldaña, Carlyle, Hunt, Kuderer, Rolfes, Darneille, Keiser, Liias, Billig, McCoy and Wellman.

Brief History:

Committee Activity: Law & Justice: 1/15/18.

Brief Summary of Bill

- Creates a duty for the safe storage of firearms.
- Creates civil liability for violations of the duty that result in injury, death, or the commission of a crime.
- Requires firearms dealers to offer to sell or give the purchaser a locked box, or device that prevents the firearm from discharging, and provide warnings of potential civil liability for unsecured storage of firearms.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: Certain persons are prohibited from possessing firearms under federal and state law. Under state law, a person is prohibited from owning or possessing a firearm when the person:

- has a felony conviction or finding of not guilty by reason of insanity;
- has a conviction or finding of not guilty by reason of insanity for certain domestic violence offenses;
- is subject to a qualifying protection order, no-contact order, or restraining order that meets certain criteria;
- has previously been committed for involuntary mental health treatment for 14 days or after being found criminally insane or incompetent to stand trial;

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.

- is free on bond or personal recognizance for a serious offense;
- is an offender under Department of Corrections supervision;
- is a non-citizen, unless the person has an alien firearms license; or
- is under age 18—with exceptions, or with respect to possession of pistols, is under age 21—with 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 laws specifically addressing criminal or civil liability for storing or leaving a firearm where a minor can obtain access to the firearm.

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

Summary of Bill (Proposed Substitute): A new duty is created for the safe storage of a firearm where a prohibited person may access and possess the firearm. Prohibited person means a person who is prohibited from possessing firearms under federal or state law.

A person is liable in a civil lawsuit if the person stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person is likely to gain access, and the prohibited person obtains access and possession of the firearm and either: causes personal injury or death with the firearm; or uses the firearm in a crime.

The duty 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: a minor has access to the firearm with the permission of a parent or guardian and is supervised; or the prohibited person uses the firearm in a lawful act of self-defense.

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, warning that purchasers may face civil liability for leaving an unsecured firearm where a prohibited person can 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.

Appropriation: None.

Fiscal Note: Requested on January 9, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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