
Civil Rights & Judiciary Committee

HB 1203

Brief Description: Reporting lost or stolen firearms.

Sponsors: Representatives Doglio, Peterson, Santos, Stonier, Jinkins, Valdez, Dolan and Robinson.

Brief Summary of Bill

- Requires that an owner or other person lawfully in possession of a firearm report any loss or theft of the firearm to the local law enforcement agency where the loss or theft occurred within five days after the person first discovered the loss or theft.

Hearing Date: 1/22/19

Staff: Cece Clynch (786-7195).

Background:

State and Federal Laws Requiring Reporting of Lost or Stolen Firearms.

At least nine states and the District of Columbia require that firearm owners report the loss or theft of a firearm to law enforcement. Another two states have laws that require firearm owners report in certain circumstances.

The time for reporting varies. Some states require that the report be made "forthwith" or "immediately." Others range from requiring that the report be made within 24 hours to within seven days. The penalties associated with a failure to report vary as well, ranging from not less than \$50 nor more than \$100 in Rhode Island for any such offense to a three-tiered penalty structure in Massachusetts that imposes a penalty of not less than \$500 nor more than \$1,000 for a first offense, not less than \$2,500 nor more than \$7,500 for a second offense, and not less than \$7,500 nor more than \$10,000 or imprisonment for not less than one year nor more than five years, or both, for a third or subsequent offense.

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.

Federal law requires that licensed firearms dealers report, to the United States (U.S.) Attorney General and appropriate local authorities, the loss or theft of a firearm from inventory within 48 hours after the theft or loss is discovered.

National Crime Information Center.

The National Crime Information Center (NCIC) operates under a shared management concept between the U.S. Federal Bureau of Investigation and federal, state, local, and tribal criminal justice users. The NCIC database consists of 21 files. Seven are property files containing records of stolen articles, boats, guns, license plates, parts, securities, and vehicles. Fourteen are persons files. The system also contains images that can be associated with NCIC records to help agencies identify people and property items. Criminal justice agencies enter records into NCIC that are accessible to law enforcement agencies nationwide.

Civil Infractions and Crimes.

A civil infraction is a noncriminal offense for which imprisonment may not be imposed.

Crimes in Washington are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For misdemeanors and gross misdemeanors, the statutory maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000

Summary of Bill:

An owner or other person lawfully in possession of a firearm must report any loss or theft of the firearm to the local law enforcement agency where the loss or theft occurred within five days after the person first discovered the loss or theft. The report must include, to the extent known:

- caliber;
- make and model;
- manufacturer;
- serial number;
- any distinguishing number or identification mark on the firearm; and
- circumstances of the loss or theft, including the date, place, and manner.

Failure to report a lost or stolen firearm as required is subject to the following penalties:

- The first offense is a civil infraction subject to a penalty of not less than \$100 nor more than \$250.
- The second offense is a civil infraction subject to a penalty of not less than \$250 nor more than \$500.
- The third or subsequent offense is a gross misdemeanor.

A local law enforcement agency receiving a report of a lost or stolen firearm must enter the information provided into the National Crime Information Center database.

Appropriation: None.

Fiscal Note: Not requested.

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