

HOUSE BILL REPORT

SHB 1903

As Passed Legislature

Title: An act relating to reporting lost or stolen firearms.

Brief Description: Reporting lost or stolen firearms.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Berry, Taylor, Stonier, Fitzgibbon, Reed, Street, Callan, Walen, Peterson, Fosse, Reeves, Simmons, Kloba, Mena, Senn, Hackney, Goodman, Thai, Ryu, Cortes, Tharinger, Alvarado, Ramel, Duerr, Ramos, Bateman, Ormsby, Fey, Rule, Macri, Gregerson, Doglio, Orwall, Bergquist, Berg, Farivar, Ortiz-Self, Lekanoff, Nance, Riccelli, Pollet and Davis).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/16/24, 1/19/24 [DPS].

Floor Activity:

Passed House: 2/9/24, 57-40.

Senate Amended.

Passed Senate: 2/28/24, 29-20.

House Concurred.

Passed House: 3/4/24, 57-40.

Passed Legislature.

Brief Summary of Substitute Bill

- Creates a civil infraction for the failure to report the loss or theft of a firearm to local law enforcement within 24 hours.
- Requires law enforcement to enter information received in a report of the loss or theft of a firearm into the National Crime Information Center database.
- Requires local licensing authorities to provide firearms dealers with signage related to the penalties for the failure to report a lost or stolen

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

firearm and the unsafe storage of a firearm.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Taylor, Chair; Farivar, Vice Chair; Cheney, Entenman, Goodman, Peterson, Thai and Walen.

Minority Report: Do not pass. Signed by 2 members: Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 1 member: Representative Abbarno.

Staff: Matt Sterling (786-7289).

Background:

A person is guilty of community 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 person who is prohibited from possessing a firearm under state or federal law may gain access to the firearm and the prohibited person:

- causes the firearm to discharge;
- carries or displays the firearm in public in a manner intended to intimidate others;
- uses the firearm in the commission of a crime; or
- causes injury or death.

The crime of Community Endangerment Due to Unsafe Storage of a Firearm in the first degree is a class C felony and is a gross misdemeanor in the second degree. If a prohibited person accesses a firearm as a result of an unlawful entry, it is not Community Endangerment Due to Unsafe Storage of a Firearm if the:

- firearm was in secure gun storage or secured with a trigger lock or similar device;
- prohibited person obtains the firearm in a lawful act of self-defense; or
- unauthorized access or theft of the firearm is reported to a local law enforcement agency in the jurisdiction in which the unauthorized access or theft occurred within five days of when the victim of the unlawful entry knew or reasonably should have known that the firearm had been taken.

The civil infraction system allows minor offenses to be decriminalized and to receive a civil fine or infraction. A person found to have committed a civil infraction is assessed a monetary penalty that is generally \$250 for a class 1 civil infraction.

Summary of Substitute Bill:

An owner or person lawfully in possession of a firearm who suffers the loss or theft of the firearm must report the loss or theft to the local law enforcement agency where the loss or theft occurred within 24 hours after the person first discovered the loss or theft. There is an exception to the 24-hour reporting requirement for good cause shown. The report must include, to the extent known:

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

A law enforcement agency that receives a report of a lost or stolen firearm must enter the firearm's caliber, make, model, manufacturer, and serial number and any other distinguishing number or identification mark on the firearm, to the extent known, into the National Crime Information Center database.

Any person who fails to report the occurrence of a lost or stolen firearm commits a civil infraction and is subject to a monetary penalty of up to \$1,000 regardless of the number of firearms that are lost or stolen.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) All the gun control laws are ineffective if thousands of stolen firearms are out on the streets in an open market. There is ample evidence that stolen firearms are often used in crimes. A 2023 report stated that of the 54 open King County cases involving juveniles and guns in the county, 20 were stolen. As a gun owner, one of the most important things to do is ensure that all firearms are stored safely. Some people do not report the theft of a firearm and it frustrates the ability for law enforcement to protect the community. The reporting of stolen firearms is essential to the tracking of a stolen firearm. The threat of stolen guns to law enforcement officers is significant and law enforcement needs this information. It usually takes weeks to identify stolen firearms and this bill would expedite that process. According to a 2023 report by Federal Bureau of Alcohol, Tobacco, and Firearms, more than half of traced guns used in the commission of a crime were linked to known purchasers but used in the crime by someone else. The median time between purchase from a licensed firearm dealer and recovery after use in a crime in Washington is over four years. There are many opportunities for a stolen firearm to be misused over that time. We know from data that there is a high prevalence of theft of firearms poorly stored

in vehicles. Research indicates that requiring the reporting of stolen firearms can reduce the illegal movement of firearms by 46 percent. Preventing stolen firearms from landing in dangerous hands is a common sense and evidence-backed solution that will give law enforcement additional tools to keep communities safe. This bill would help expedite the identification and recovery of these stolen firearms before they are used to devastate families and communities. At the time, the Pulse Night Club shooting in 2016 was the worst shooting in US history and since then there have been several worse shootings. Legislation like this bill can help prevent more tragedies like these and keep communities safe.

(Opposed) The proponents of this bill claim that gun thefts often result in firearms going into an underground market, but the theft of a firearm and channeling a firearm into an underground market are already illegal. The unauthorized access of a firearm is required to be reported within five days. Why is this being changed to 24 hours? This bill shows contempt for lawful firearm owners and imposing liability on firearm owners who are the victim of a crime is the wrong approach. Imagine being the victim of a crime and then getting slapped with a \$1,000 fine. This bill is another example of government overreach to get more revenue and criminalize law-abiding citizens. Please stop punishing and tracking law-abiding citizens for being gun owners. The pro-gun community are supportive of enhanced crimes for the criminals who steal firearms and use the stolen firearms in the commission of crimes. This bill will do nothing to promote gun safety. If this law is passed, it will be used against poor people and minorities and the fiscal impact has not been given any research so we do not know what it would cost.

Persons Testifying: (In support) Carol Butterfield and Genevieve Wieland, Moms Demand Action; Karyn Brownson, King County Public Health; Liz Hjelmseth; Stephen Paolini; and Jordan Ferguson, Spokane Regional Domestic Violence Coalition.

(Opposed) Justin Michaud, GunNation Limited Liability Company; Aoibheann Cline, National Rifle Association; Dan Mitchell, Washington Civil Rights Association; Brian Keelean, Washington State Rifle and Pistol Association; and Teo Morca.

Persons Signed In To Testify But Not Testifying: Anthony Alexander; Greg Hauth; Chetan Soni, Washington Youth Alliance; Betty Taylor, Ezra's Hands; Jane Weiss; Diane Studley; Jennifer Dolan-Waldman, Grandmothers Against Gun Violence; Thomas Hogue; Michael Easton; Brian Dunham; Zachary Bigger; Reno Gregory; David Steyh; Ty Whitehead; Josh Nipges; Michael McKinley; Jason Dupea; and Eric Pratt.