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HOUSE BILL 1161

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Valle, Scott, Costa and Cole

Read first time 01/16/95. Referred to Committee on Law and Justice.

1            AN ACT Relating to access to firearms by minors; adding new  
2 sections to chapter 9.41 RCW; creating a new section; prescribing  
3 penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that placing  
6 firearms within the reach or easy access of children is irresponsible  
7 and encourages accidents that result in serious injury or death.  
8 Legislative action is necessary to prohibit negligently stored firearms  
9 and to protect the safety of our children.

10           (2) It is the intent of the legislature that adult citizens of the  
11 state retain their constitutional right to keep and bear firearms for  
12 hunting and sporting activities, for defense of self, family, home, and  
13 business, and as collectibles. Nothing in sections 2 through 5 of this  
14 act shall be construed to reduce or limit any existing right to  
15 purchase and own firearms or to provide authority to any state or local  
16 agency to infringe upon the privacy of any family, home, or business,  
17 except by lawful warrant.

1        NEW SECTION.    **Sec. 2.**    (1) A person who stores or leaves, on a  
2 premise under his or her control, a loaded firearm, as defined in RCW  
3 9.41.010, and who knows or reasonably should know that a child is  
4 likely to gain access to the firearm without the lawful permission of  
5 the child's parent or the person having charge of the child or without  
6 the supervision required by law shall keep the firearm in a securely  
7 locked box or container or in a location which a reasonable person  
8 would believe to be secure or shall secure it with a trigger lock,  
9 except when carrying the firearm on his or her body or within such  
10 close proximity thereto that it can be retrieved and used as easily and  
11 quickly as if carried on the body.

12        (2) It is a misdemeanor if a person violates subsection (1) of this  
13 section by failing to store or leave a firearm in the required manner  
14 and as a result thereof a child gains access to the firearm, without  
15 the lawful permission of the child's parent or the person having charge  
16 of the child, and possesses or exhibits it, without the supervision  
17 required by law:

18        (a) In a public place; or

19        (b) In a reckless or criminally negligent manner.

20        This subsection does not apply if the child obtains the firearm as  
21 a result of an unlawful entry by any person.

22        NEW SECTION.    **Sec. 3.**    Whoever violates section 2 of this act by  
23 storing or leaving a loaded firearm within the reach or easy access of  
24 a child, if the child obtains the firearm and uses it to inflict injury  
25 or death upon himself or herself or any other person, is guilty of a  
26 class C felony under chapter 9A.20 RCW. However, this section does not  
27 apply:

28        (1) If the firearm was stored or left in a securely locked box or  
29 container or in a location which a reasonable person would have  
30 believed to be secure, or was securely locked with a trigger lock;

31        (2) If the child obtains the firearm as a result of an unlawful  
32 entry by any person;

33        (3) To injuries resulting from target or sport shooting accidents  
34 or hunting accidents; or

35        (4) To members of the armed forces, national guard, or state  
36 militia, or to police or other law enforcement officers, with respect  
37 to firearm possession by a child which occurs during or incidental to  
38 the performance of their official duties.

1       When any child is accidentally shot by another family member, no  
2 arrest shall be made pursuant to this subsection prior to seven days  
3 after the date of the shooting. With respect to any parent or guardian  
4 of any deceased child, the investigating officers shall file all  
5 findings and evidence with the prosecuting attorney's office with  
6 respect to violations of this section. The prosecuting attorney shall  
7 evaluate such evidence and shall take such action as he or she deems  
8 appropriate under the circumstances and may file charges against the  
9 appropriate parties.

10       NEW SECTION.   **Sec. 4.**   (1) Upon the retail commercial sale or  
11 retail transfer of any firearm, the seller or transferor shall deliver  
12 a written warning to the purchaser or transferee, which warning states  
13 in block letters not less than one-fourth inch in height:  
14 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY ADULT  
15 TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY  
16 ACCESS OF A CHILD."

17       (2) Any retail or wholesale store, shop, or sales outlet that sells  
18 firearms must conspicuously post at each purchase counter the following  
19 warning in block letters not less than one inch in height:  
20 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE  
21 REACH OR EASY ACCESS OF A CHILD."

22       (3) Any person or business knowingly violating a requirement to  
23 provide warning under this section is guilty of a misdemeanor.

24       NEW SECTION.   **Sec. 5.**   As used in sections 2 through 4 of this act,  
25 "child" means any person under the age of sixteen.

26       NEW SECTION.   **Sec. 6.**   Sections 2 through 5 of this act are each  
27 added to chapter 9.41 RCW.

28       NEW SECTION.   **Sec. 7.**   This act shall take effect January 1, 1996.

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