

SENATE BILL REPORT

ESSB 5697

As Passed Senate, February 10, 2012

Title: An act relating to requiring firearms safety devices and gun safes to meet minimum standards if purchased, used, or issued by governmental agencies and limiting the civil liability of governmental agencies and agents who provide or properly use approved firearms safety devices or gun safes.

Brief Description: Requiring firearms safety devices and gun safes to meet minimum standards if purchased, used, or issued by governmental agencies and limiting the civil liability of governmental agencies and agents who provide or properly use approved firearms safety devices or gun safes.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Hargrove and Schoesler).

Brief History:

Committee Activity: Judiciary: 1/13/12, 1/31/12 [DPS, w/oRec].

Passed Senate: 2/10/12, 46-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass.

Signed by Senators Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Regala and Roach.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Aldo Melchiori (786-7439)

Background: Generally, a gun safe is a secure and protective storage container for one or more firearms and/or ammunition. Gun safes are used to prevent access to unauthorized or unqualified parties, protect against burglars, and, in more capable safes, to protect the contents from damage during a flood or fire. Gun safes come in many shapes and sizes, and may include additional security features such as voice-activated locks and fingerprint identification. A firearms safety device is a locking device designed to prevent unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into

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the design of a firearm, or prevent access to the firearm. There are many manufacturers and dealers of gun safes and firearms safety devices, and their products differ in both strength and quality.

Summary of Engrossed Substitute Bill: If a governmental agency chooses to purchase, use, or issue a firearms safety device or gun safe, that device must meet the minimum standards on the date of purchase. Gun safes and firearms safety devices identified by the California Department of Justice as of July 1, 2012, meet the minimum standards for Washington State. A governmental agency that has provided a gun safe or firearms safety device prior to July 1, 2012, must either replace the device with one that meets the minimum standards or remove any requirement that a government agent use the nonconforming device.

A governmental agency or agent is not liable for civil damages resulting directly or indirectly from the purchase, possession, or proper use of a firearms safety device or gun safe that meets the minimum standards as of July 1, 2012. Nor is a governmental agency or agent liable for the purchase, possession, or proper use of a firearms safety device or gun safe identified as appropriate for that firearm that was purchased prior to July 1, 2012.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony as Heard in Committee: PRO: This bill addresses a serious safety concern for the citizens of Washington, especially those who work in law enforcement, their families, and children. In the past, little research has been done by governmental agencies to ensure that the firearm safety devices they purchased and issued to law enforcement officers were actually safe to use. There are no minimum standards in place in Washington. Only California has established minimum comprehensive standards for these devices. There are economically affordable small safes that meet the gun safe standards defined in the bill.

OTHER: Requiring these devices to be issued would be a significant cost to many governmental agencies. There are 800 fish and wildlife volunteers and many hunter safety instructors who are agents of the state and all of these people would be required to have gun safes or safety devices issued by the agency. The term firearm needs to be defined.

Persons Testifying: PRO: Ed Owens, citizen; Kristie Owens, citizen; Ed Owens, citizen.

OTHER: Jason Berry, WSP; Bruce Bjork, WA Department of Fish and Wildlife.