
SENATE BILL 5789

State of Washington

64th Legislature

2015 Regular Session

By Senators Kohl-Welles, Fraser, Pedersen, Darneille, Billig, Keiser, McAuliffe, Nelson, Chase, and Frockt

Read first time 02/03/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to the protection of children through responsible
2 storage of firearms; adding new sections to chapter 9.41 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that responsible
6 firearm ownership includes the responsibility to safely store
7 firearms so that children do not inappropriately get access to them.
8 Unsafe storage of firearms can have devastating consequences for
9 children in and out of the home and in the community. The legislature
10 intends by this act to establish standards for the responsible
11 storage of firearms to reduce the accidental gun injury and death of
12 young children gaining access to unsafely stored guns, to reduce
13 adolescent suicide, and to prevent youth from accessing unsafely
14 stored firearms to cause harm in the community.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
16 to read as follows:

17 (1) A person who stores or leaves a firearm in a location where
18 the person knows, or reasonably should know, that a child is likely
19 to gain access:

1 (a) Is guilty of child endangerment due to unsafe storage of a
2 firearm in the first degree if a child obtains access and possession
3 of the firearm and the child causes personal injury or death with the
4 firearm; or

5 (b) Is guilty of child endangerment due to unsafe storage of a
6 firearm in the second degree if a child obtains access and possession
7 of the firearm and the child:

8 (i) Causes the firearm to discharge;

9 (ii) Exhibits the firearm in a public place or in an angry,
10 threatening, or careless manner; or

11 (iii) Uses the firearm in the commission of a crime.

12 (2)(a) Child endangerment due to unsafe storage of a firearm in
13 the first degree is a gross misdemeanor punishable according to
14 chapter 9A.20 RCW.

15 (b) Child endangerment due to unsafe storage of a firearm in the
16 second degree is a misdemeanor punishable according to chapter 9A.20
17 RCW.

18 (3) Subsection (1) of this section does not apply if:

19 (a) The firearm is secured in a locked box, gun safe, other
20 secure locked storage space, or secured with a lock or any device
21 that prevents the firearm from discharging;

22 (b) The child's access to the firearm is with the lawful
23 permission of the child's parent or guardian and supervised by an
24 adult;

25 (c) The child's access to the firearm was obtained as a result of
26 an unlawful entry;

27 (d) The child obtains, or obtains and discharges, the firearm in
28 a lawful act of self-defense;

29 (e) The firearm is kept on any premises under the custody or
30 control of a person who has no reasonable expectation, based on
31 objective facts and circumstances, that a child is likely to be
32 present on the premises; or

33 (f) The child's access to the firearm was in accordance with RCW
34 9.41.042.

35 (4) If a death or serious injury occurs as a result of an alleged
36 violation of subsection (1)(a) of this section, the prosecuting
37 attorney may decline to prosecute, even though technically sufficient
38 evidence to prosecute exists, in situations where prosecution would
39 serve no public purpose, would defeat the purpose of the law in
40 question, or would result in decreased respect for the law.

1 (5) For the purposes of this section, "child" means a person
2 under the age of eighteen years.

3 (6) Nothing in this section mandates how or where a firearm must
4 be stored.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.41 RCW
6 to read as follows:

7 (1) When selling any firearm, every dealer shall offer to sell or
8 give the purchaser a locked box, a lock, or a device that prevents
9 the firearm from discharging.

10 (2) Every store, shop, or sales outlet where firearms are sold,
11 that is registered as a dealer in firearms with the department of
12 licensing, shall conspicuously post, in a prominent location so that
13 all patrons may take notice, the following warning sign, to be
14 provided by the department of licensing, in block letters at least
15 one inch in height:

16 "YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN
17 UNSECURED FIREARM WHERE A CHILD CAN AND DOES OBTAIN POSSESSION."

18 (3) Every store, shop, or sales outlet where firearms are sold,
19 that is registered as a dealer in firearms with the department of
20 licensing, upon the sale or transfer of a firearm, shall deliver a
21 written warning to the purchaser or transferee that states, in block
22 letters not less than one-fourth inch in height:

23 "YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN
24 UNSECURED FIREARM WHERE A CHILD CAN AND DOES OBTAIN POSSESSION."

25 (4) Every person who violates this section is guilty of a class 3
26 civil infraction under chapter 7.80 RCW and may be fined up to fifty
27 dollars. However, no such fines may be levied until thirty days have
28 expired from the time warning signs required under subsection (2) of
29 this section are distributed by the department of licensing.

30 (5) Nothing in this section mandates how or where a firearm must
31 be stored.

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