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SENATE BILL 5710

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Kohl-Welles, Tom, Murray, Harper, Litzow, Nelson, Chase, Fraser, Ranker, Billig, Kline, Darneille, Frockt, Hill, Eide, Cleveland, Mullet, Schlicher, Hasegawa, Shin, Rolfes, Keiser, McAuliffe, and Conway

Read first time 02/11/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to reckless endangerment resulting from unsafe  
2 storage of firearms; amending RCW 9A.36.050; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.36.050 and 1997 c 338 s 45 are each amended to read  
5 as follows:

6 (1) A person is guilty of reckless endangerment when he or she  
7 recklessly engages in conduct not amounting to drive-by shooting but  
8 that creates a substantial risk of death or serious physical injury to  
9 another person.

10 (2) Except as otherwise provided in this section, a person is  
11 guilty of reckless endangerment if the person stores or leaves a loaded  
12 firearm in a location where the person knows, or reasonably should  
13 know, that a child is likely to gain access, and a child obtains  
14 possession of the loaded firearm.

15 (3) Subsection (2) of this section does not apply if:

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

19 (b) The child's access to the firearm is supervised by an adult;

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

3       (d) The child's access to the firearm was in accordance with RCW  
4 9.41.042.

5       (4) If a death or serious injury occurs as a result of an alleged  
6 violation of subsection (2) of this section, the prosecuting attorney  
7 may decline to prosecute, even though technically sufficient evidence  
8 to prosecute exists, in situations where prosecution would serve no  
9 public purpose, would defeat the purpose of the law in question, or  
10 would result in decreased respect for the law.

11       (5) For the purposes of this section:

12       (a) "Child" means a person under the age of twelve years; and

13       (b) The definitions in RCW 9.41.010 apply throughout this section.

14       (6) Nothing in this section shall mandate how or where a firearm  
15 must be stored.

16       (7) Reckless endangerment is a gross misdemeanor.

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