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SECOND SUBSTITUTE HOUSE BILL 1122

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State of Washington

65th Legislature

2018 Regular Session

**By** House Judiciary (originally sponsored by Representatives Kagi, Jinkins, Cody, Robinson, Gregerson, Ryu, Ortiz-Self, Fitzgibbon, Farrell, Tharinger, Doglio, Dolan, Frame, Tarleton, Appleton, Springer, Lytton, Chapman, Stanford, Peterson, Ormsby, McBride, Fey, Kloba, Senn, Sells, Kilduff, Santos, Riccelli, Bergquist, and Goodman)

1 AN ACT Relating to protecting public safety through responsible  
2 storage of firearms; amending RCW 9A.36.050; adding a new section to  
3 chapter 9.41 RCW; 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 gain access to them.  
8 Unsafe storage of firearms can have devastating consequences for our  
9 communities and our children. The legislature intends by this act to  
10 establish standards for the responsible storage of firearms to reduce  
11 accidental gun injury and death of young children gaining access to  
12 unsafely stored guns, to reduce adolescent suicide, and to prevent  
13 youth from accessing unsafely stored firearms to cause harm in the  
14 community.

15 **Sec. 2.** RCW 9A.36.050 and 1997 c 338 s 45 are each amended to  
16 read as follows:

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

1       (2) Except as provided in subsection (4) of this section, a  
2 person is guilty of reckless endangerment when he or she leaves or  
3 stores a firearm in a location where the person knows or reasonably  
4 should know that a child is likely to gain access, and the child does  
5 gain possession of the firearm and:

6       (a) Causes physical harm or death with the firearm; or

7       (b) Displays the firearm in a public place, or in an angry or  
8 threatening manner, or uses the firearm in the commission of a crime.

9       (3) Reckless endangerment under subsection (1) or (2)(b) of this  
10 section is a gross misdemeanor. Reckless endangerment under  
11 subsection (2)(a) of this section is a class C felony.

12       (4)(a) Subsection (2) of this section does not apply if:

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

16       (ii) Access to the firearm is with the lawful permission of the  
17 child's parent or guardian and supervised by an adult, or is in  
18 accordance with RCW 9.41.042;

19       (iii) The child's access to the firearm was obtained as a result  
20 of an unlawful entry; or

21       (iv) The child obtains, or obtains and discharges the firearm in  
22 a lawful act of self-defense.

23       (b) If a death or serious injury occurs as a result of an alleged  
24 violation of subsection (2)(a) of this section, such as in the case  
25 of a parent who loses a child to suicide by means of a firearm, the  
26 prosecuting attorney may decline to prosecute, even though  
27 technically sufficient evidence to prosecute exists, in situations  
28 where prosecution would serve no public purpose, would defeat the  
29 purpose of the law in question, or would result in decreased respect  
30 for the law.

31       (5) For the purposes of this section, "child" means a person who  
32 is under the age of eighteen years.

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

35       NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW  
36 to read as follows:

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

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

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

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

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

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

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

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