

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5463 PSSB	Title: Storage of Firearms	Agency: 055 – Admin Office of the Courts (AOC)
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
Agency Preparation: Renée Lewis	Phone: 360-704-4012	Date: 1/17/2018
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would create a tort if a prohibited person obtains access and possession of a firearm and causes personal injury or death. The bill would require a firearms dealer, when selling a firearm, to offer to sell or give the purchaser a locked box, a lock, or a device that prevents the firearm from discharging.

NOTE: This bill differs from SB 5463 by changing the violation from the crime of community endangerment due to unsafe storage of a firearm to a tort and subject to civil liability if a prohibited person obtains access and possession of the firearm and causes personal injury or death with the firearm or uses the firearm in the commission of a crime.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

If enacted, this bill would add a new section to RCW 9.41.

Section 2 (1) – A person may not store or leave a firearm in a location where the person knows, or reasonably should know, that a prohibited person is likely to gain access. Violation of this duty of safe storage is a tort and subject to civil liability if a prohibited person obtains access and possession of the firearm and causes personal injury or death with the firearm or uses the firearm in the commission of a crime.

Section 2(2) states that subsection (1) of this section does not apply if: (a) – The firearm is secured in a locked box, gun safe, other secure locked storage space, or secured with a lock or any device that prevents the firearm from discharging; (b) – In the case of a person who is prohibited person on the basis of the person's age, access to the firearm is with the lawful permission of the prohibited person's parent or guardian and supervised by an adult, or is in accordance with RCW 9.41.042; or (c) – The prohibited person obtains, or obtains and discharges the firearm in a lawful act of self-defense.

Section 3(1)(2)(3) – Firearms dealers, stores, shops, or sales outlets would be required to offer to sell or give the purchaser of a firearm a locked box, a lock, or a device that prevents the firearm from discharging. Firearms dealers, stores, shops, or sales outlets would be required to prominently display warning signs, provided by the Department of Licensing (DOL) that state "YOU MAY FACE CIVIL LIABILITY IF YOU STORE OR LEAVE AN UNSECURED FIREARM WHERE A PERSON WHO IS PROHIBITED FROM POSSESSING FIREARMS CAN AND DOES OBTAIN POSSESSION." Firearms dealers, stores, shops, or sales outlets would be required to deliver a written warning to the purchaser or transferee of a firearm that states "YOU MAY FACE CIVIL LIABILITY IF YOU STORE OR LEAVE AN UNSECURED FIREARM WHERE A PERSON PROHIBITED FROM POSSESING FIREARMS CAN AND DOES OBTAIN POSSESSION."

Section 3(4) – Every person who violates the provisions of Section 3 would be guilty of a class 3 civil infraction and may be fined up to fifty dollars.

II.B - Cash Receipt Impact

Indeterminate. The Administrative Office of the Courts (AOC) does not have data available to estimate the number of fines that would be levied.

II.C – Expenditures

Indeterminate. The AOC does not have data available to estimate the number of trials/hearings that would result from this bill.

Judges would need to be trained regarding the tort and civil infractions. This would be handled during routine training opportunities.

Changes would be required to the law table and other system tables to create new laws and penalties. This would be handled during routine law table maintenance processes.