

SENATE BILL REPORT

SB 6406

As of January 17, 2020

Title: An act relating to firearms.

Brief Description: Concerning firearms.

Sponsors: Senators Wilson, L., Holy, Becker, Padden, Wagoner, Muzzall, Short, Schoesler, Warnick, Ericksen, Braun, Brown, Honeyford, O'Ban and Rivers.

Brief History:

Committee Activity: Law & Justice: 1/20/20.

Brief Summary of Bill

- Creates theft of a firearm from a residence, store, shop, or sales outlet as a new class B felony offense.
- Places theft of a firearm from a residence, store, shop, or sales outlet at seriousness level VII for sentencing with a standard range from 15 to 20 months in prison.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: Under current law, a person commits theft by:

- wrongfully obtaining unauthorized control, or using deception to obtain control, over the property or services of another or the value thereof, with intent to deprive them of the property or service; or
- appropriating lost or misdelivered property or services of another or the value thereof, with intent to deprive them of the property or service.

It is a defense to theft if the property or service was appropriated openly and avowedly under a good faith claim of title even though the claim is untenable or the property consists of merchandise pallets received by a pallet recycler or repairer in the ordinary course of business. Theft is classified as first, second, or third degree depending on the value of the property or services or the number or type of stolen property or services. Current law also lists other specific theft crimes, for example, unlawful issuance of checks; theft of a motor

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

vehicle; theft of livestock; theft of rental, leased, or loaned property; theft of subscription television services; and theft of a shopping cart.

The crime of theft of a firearm was first enacted in 1994 as part of legislation focusing on violence reduction programs. It was amended to its current form in 1995 by Initiative 159, called the "Hard Time for Armed Crime" initiative. The initiative's amendments made each firearm taken a separate offense, applicable regardless of the firearm's value, and used the same elements and applied the same defenses as theft under current statute. The initiative also applied the definition of firearm to mean a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. Firearm does not mean a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely for use in construction. The crime was reclassified from a class C felony to a class B felony.

A class B felony carries a maximum penalty of up to ten years in prison, or a fine up to \$20,000 or both. The sentencing grid places theft of a firearm at level VI. The standard sentence for level VI crimes ranges from one year plus one day to fourteen months in prison.

The U.S. Department of Justice (DOJ) issued a report in 2019 titled *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016*. DOJ's report highlighted these findings:

- about 29 percent of state and 36 percent of federal prisoners serving time for a violent offense possessed a gun during the offense;
- among prisoners who possessed a gun during their offense, 90 percent did not obtain it from a retail source;
- about one in five state and federal prisoners who possessed a firearm during their offense obtained it intending to use it during the crime; and
- among state prisoners who possessed a gun during their offense, 27 percent killed someone with it, another 12 percent injured someone, 7 percent fired the gun but did not injure anyone, and 54 percent did not fire.

Summary of Bill: Theft of a firearm from a residence, store, shop, or sales outlet is a class B felony offense. It includes the same elements as theft of a firearm and is also a class B felony. For sentencing purposes, theft of a firearm from a residence, store, shop, or sales outlet is placed in seriousness level VII. The standard sentence for level VII crimes ranges from 15 to 20 months in prison.

Appropriation: None.

Fiscal Note: Requested on January 16, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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