



Legislation Text

File #: 2018-0373, **Version:** 3

AN ORDINANCE relating to the secure storage of firearms; adding a new chapter to K.C.C. Title 12 and prescribing penalties.

STATEMENT OF FACTS:

1. According to the Centers for Disease Control and Prevention's Wide-ranging Online Data for Epidemiologic Research, also known as WONDER, in the United States, thirty-six thousand two hundred forty-seven people died in 2015 as a result of firearms. That is just fewer than the thirty-eight thousand eight hundred eighteen death resulting from motor vehicle incidents. Of those firearm deaths, sixty-one percent were suicides and thirty-six percent were homicides.
2. The Washington state Department of Health data show that in 2015, firearms were the third leading cause of injury-related death in Washington state, killing approximately seven hundred fourteen Washington residents. Of these firearm deaths, seventy-five percent were suicides and firearm suicides accounted for forty-seven percent of all suicides in Washington state in 2015. During the same period, one hundred forty-six King County residents died from a firearm injury, including six youth age seventeen and younger.
3. According to the 2015 Washington Association of Sheriffs and Police Chiefs Annual Report, sixty-two percent of homicides in Washington state were committed with firearms.
4. The Washington state Department of Health data also indicate that thirty-nine youth, age seventeen and younger, died as a result of firearms in 2015. That is the equivalent of a child or teen being killed by gunfire every nine days. An additional thirty children were hospitalized. In King County, six youth died as a result of firearms in 2015 and nine other youth were

hospitalized in King County during that period.

5. The Washington state Department of Health data show that in 2015 twenty-eight homicides occurred among youth, age seventeen and younger and of those, seventeen, which is sixty-one percent, died as a result of firearm homicides.

6. Between 2013 and 2015, the Washington state Department of Health data also show that one hundred eighteen youth, age seventeen and younger, died by suicide in Washington and forty-seven of those youth, which is forty percent, died from firearm suicide. During the same period, twenty-five youth died by suicide in King County of which seven used firearms.

7. The Washington state Department of Health data also indicate that three hundred eight Washington state residents were hospitalized for nonfatal firearm injuries in 2015, including thirty youth age seventeen and younger. During that same period, ninety-five King County residents were hospitalized for nonfatal firearm injuries, including nine youth.

8. The Washington state Department of Health data indicate that seventeen youth, age seventeen and younger, were hospitalized for firearm assault injuries in Washington in 2015 and eight King County youth accounted for forty-seven percent of those nonfatal injury hospitalizations.

9. The January 21, 2014 Annals of Internal Medicine report finds that adolescents, between the ages of ten and nineteen years, with access to firearms are 2.6 times as likely to die by suicide as adolescents without access to firearms.

10. The December 2008 Journal of Adolescent Health study of adolescent (between the ages of ten and nineteen years) suicides by firearm found that over half were carried out with firearms from the adolescent's home. More than seventy-five percent of firearms used in suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or friend.

11. The Washington state Behavioral Risk Factor Surveillance System estimated thirty-four percent of Washington adults who are at least eighteen years old, which is one million eight

hundred twenty-five thousand people, reported having a firearm in or around their homes in 2015. Just under half of those adults, which is forty-six percent or eight hundred thirty-nine thousand people, reported having an unlocked firearm. Access to firearms, including when firearms are easily available because of unsafe storage practices, are a known risk factor for firearm suicide, especially among youth age seventeen and younger.

12. The Washington state Behavioral Risk Factor Surveillance System finds that, in 2015, approximately twenty-one percent of King County adults, which is three hundred forty thousand persons, reported firearms present in or around their homes. Among those adults, an estimated thirty-one percent, which is one hundred five thousand persons, stored their firearms loaded and an estimated forty-three percent, which is one hundred fifty thousand persons, stored their firearms unlocked and not stored in a way to render them safe. Approximately fifteen percent, which is fifty-one thousand persons, of firearm owners reported storing them loaded and unlocked.

13. According to various Public Health - Seattle & King County analysis on firearm violence in King County, firearm violence has a disproportionate impact on communities of color and children of color are victims of homicide by firearms at a higher rate than white children in King County.

14. A June 2004 study from the American Journal of Epidemiology concluded that those persons with guns in the home were at greater risk than those without guns in the home of dying from homicide, firearm homicide, suicide and firearm suicide.

15. King County's LOK-IT-UP initiative is part of the county's Gun Violence Prevention Initiative to promote the safety of our communities through increasing safe storage of firearms. The program focuses on the importance of safe storage of firearms, safe storage device options,

how to practice safe storage in the home and how to encourage the practice of safe storage in others.

16. According to a February 2005 Journal of the American Medical Association study, locked guns can reduce the odds of accidental death or suicide by seventy-three percent.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 5 of this ordinance should constitute a new chapter in K.C.C. Title 12.

NEW SECTION. SECTION 2.

A. "Ammunition" means ammunition or cartridge cases, primers, bullets or propellant powder, designed for use in any firearm.

B. "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

C. "Person" means natural persons of any sex, firms, copartnerships and corporations, whether acting by themselves, by servant, agent or employee. The singular number includes the plural and words referring to a specific gender may be extended to any other gender.

D. "Secure firearm storage or safety device" means:

1. A safe, gun safe, gun case, lock box, or other device, that is designed to be or can be used to store a firearm and unlocked only by means of a key, a combination, or other similar means;

2. A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

3. A device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device.

NEW SECTION. SECTION 3. It is unlawful for any person in King County, state of Washington,

outside the boundaries of incorporated cities and towns within King County, to store or keep a firearm, whether loaded or unloaded with ammunition, within any premises unless the firearm is safely stored in or using a secure firearm storage or safety device. Notwithstanding the foregoing, for purposes of this section, such firearm shall be deemed lawfully stored or lawfully kept if carried by or under the control of the owner, lawfully authorized user or law enforcement officer on duty and following the law enforcement officer's agency's policies.

NEW SECTION. SECTION 4.

A. Any person violating or failing to comply with section 3 of this ordinance shall first be given a warning in writing by a law enforcement officer. The law enforcement officer shall inform the person of nearby facilities where a secure firearm storage or safety device may be purchased.

B. A violation of section 3 of this ordinance, fifteen days after the initial warning as described by subsection A. of this section, constitutes a civil infraction not to exceed one thousand dollars and the notice of infraction shall be issued by a law enforcement officer. After issuance of the notice of infraction, the law enforcement officer shall inform the person of the provision as described in subsection D. of this section.

C. The form and process for the infraction shall be consistent with the Washington State Court Rules: Infraction Rules for Courts of Limited Jurisdiction but excluding the Monetary Penalty Schedule for Infractions.

D. If, in a court response to the notice of infraction, a person provides evidence that a secure firearm storage or safety device has been obtained since the issuance of the notice of infraction, then the civil infraction shall be waived by the court.

NEW SECTION. SECTION 5. The prosecuting attorney's office shall produce a quarterly report showing the costs incurred by the prosecuting attorney's office as a result of this chapter, which shall include, but not limited to, any litigation against the county. The report shall be transmitted in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an

electronic copy to all councilmembers, the council chief of staff and the lead staff to the law and justice committee or its successor.

SECTION 6. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.