

**SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST**

**UNLAWFUL POSSESSION OF A FIREARM SECOND DEGREE RCW 9.41.040(1)(b)**

**ELEMENTS**

1. At the time of the firearm possession,
  - a) the suspect had been convicted or found not guilty by reason of insanity of any felony not listed as a "serious" offense for purposes of First Degree Unlawful Firearm Possession; OR
  - b) the suspect had been convicted or found not guilty by reason of insanity of any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; OR
  - c) the suspect had been involuntarily committed for mental health treatment, unless his/her right to possess a firearm had been restored; OR
  - d) the suspect is under 18 years of age and no exception under RCW 9.41.042 applied; OR
  - e) the suspect is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious\* offense;

AND

2. The suspect (adult or juvenile) owns or has in his/her possession or in his/her control a firearm. "Firearm" is defined as a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

\*See checklist for First Degree Unlawful Firearm Possession for definition of serious offense.

**SPECIFIC REQUIREMENTS**

- [ ] 1. If firearm not found on suspect's person, detail facts which show suspect was in constructive possession.
- [ ] 2. Fingerprint firearm, if suspect not found in actual possession of the firearm.
- [ ] 3. Provide verification of suspect's prior pertinent conviction(s).