

SENATE BILL REPORT

SB 6689

As of February 4, 2002

Title: An act relating to the sale of firearms at gun shows and events.

Brief Description: Regulating the sale of firearms at gun shows and events.

Sponsors: Senators Kohl-Welles, Costa, Thibaudeau, Snyder, Kline, Fairley and McAuliffe.

Brief History:

Committee Activity: Judiciary: 2/7/02.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: A firearms "dealer" is a person engaged in the business of selling firearms at wholesale or retail who is required to have a federal firearms license. A person is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

A dealer may not deliver a pistol to the purchaser until: (a) the purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed; (b) the dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol and that the application to purchase is approved by the chief of police or sheriff; or (c) five business days have elapsed from the time of receipt of the application for the purchase by the chief of police or sheriff. If the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive 90 days, the waiting period is up to 60 days.

Dealers use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act to make criminal background checks of applicants to purchase firearms. However, chiefs of police and sheriffs also continue to check the Department of Social and Health Services' electronic data base and with other agencies or resources as appropriate to determine whether applicants are ineligible to possess a firearm.

At the time of applying for the purchase of a pistol, the purchaser signs an application containing his or her full name, residential address, date and place of birth, race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; a description of the pistol including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of a pistol. The chief of police of the municipality or the sheriff of the county retains or destroys applications

to purchase a pistol in accordance with the requirements of federal law. A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a pistol is guilty of false swearing, a gross misdemeanor.

Summary of Bill: A person is a firearms dealer if that person makes sales, exchanges, or purchases of firearms at a gun show or event. A "gun show or event" is: (a) a place or event, gun trade show, gun collector's show, flea market, or auction at which three or more individuals assemble to display, sell, lease, or transfer new or used firearms or firearm components to the public and that is not exempt from collecting sales tax; (b) a place or event where ten or more firearms are offered for transfer or are transferred; or (c) an area near the gun show or event that the sponsor knows or should reasonably know will be used for parking for a gun show or event.

A person who offers to sell or transfer a firearm to another person, while at a gun show or event, must be licensed as a dealer. The dealer must: (a) perform a background check of the prospective transferee; and (b) obtain approval of a transfer from the local law enforcement agency for a handgun or the Federal Bureau of Investigation, national crime information center, for a long gun. The dealer who performs the background check on a prospective transferee must record the transfer and must retain the records in the same manner as when conducting a sale, rental, or exchange at retail. The Washington State Patrol establishes a reasonable fee to cover costs for each background check conducted at a gun show or event.

A person who organizes, promotes, or otherwise sponsors a gun show or event must: (a) ensure that any person who, while at the gun show or event, offers to sell or transfer a firearm to another person is a licensed firearms dealer; or (b) provide the services of a person licensed as a dealer to conduct the transactions. A notice setting forth the requirements for a background check must be prominently posted.

A person other than a dealer may only offer for sale or transfer a firearm while at a gun show or event if any resulting sale or transfer of the firearm is conducted through a person licensed as a dealer and that dealer performs a background check.

A violation of these provisions is a gross misdemeanor.

Appropriation: None.

Fiscal Note: Requested on February 1, 2002.

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