

SENATE BILL REPORT

SI 591

As of January 30, 2014

Title: Protecting gun and other firearm rights.

Brief Description: Protect our gun rights.

Sponsors:

Brief History:

Committee Activity: Law & Justice: 1/29/14.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: Currently, the superior courts or courts of limited jurisdiction may order forfeiture of firearms which are proven to be: (1) found concealed on a person without a concealed pistol license (CPL); (2) sold without the proper application; (3) in the possession of a person prohibited from possession; (4) in the possession of a person in any place where a CPL is required and who is under the influence of alcohol or drugs; (5) in possession of a person for a felony or a nonfelony where a firearm was used; (6) in possession of a person found to have been or found to be mentally incompetent; (7) used or displayed in violation of a court order; or (8) used in the commission of a crime.

If any of these factors exist, a law enforcement officer may confiscate the firearm. After confiscation, the firearm must not be surrendered except to the prosecuting attorney for use in legal proceedings, for disposition according to a court order, or to the owner if the proceedings are dismissed, there has been a showing of no probable cause that none of the factors allowing confiscation occurred, or the firearm was taken without the knowledge or consent of the owner.

A firearms dealer must not deliver a pistol to the purchaser thereof until: (1) the purchaser produces a valid CPL and the dealer has recorded the purchaser's name, license number, and issuing agency; (2) 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 (3) 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

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driver license or state identification card or has not been a resident of the state for the previous consecutive 90 days, the waiting period may be up to 60 days.

To determine whether the purchaser may possess a firearm, the chief of police or sheriff checks with the National Crime Information Center, the Washington State Patrol electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate. 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.

Summary of Bill: It is unlawful for any government agency to confiscate guns or other firearms from citizens without due process. It is unlawful for any government agency to require background checks on the recipient of a firearm unless a uniform national standard is required.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Staff Summary of Public Testimony: PRO: This is a common sense measure to protect citizens and their constitutional rights. It does not prohibit background checks. Law-abiding people in Washington should not be treated as second class citizens. This just clarifies existing law. Purchasers would still have to pass a background check. Current state statutes do not violate the Constitution. The purpose of our laws should be to protect our rights. Straw purchases of firearms are already illegal if the true purchaser is prohibited from firearm possession.

CON: This Initiative would prevent some background checks that are done now. This will roll back the state's ability to do effective background checks. The state already provides adequate due process before firearm confiscation.

Persons Testifying: PRO: Alan Gottlieb, Protect Our Guns; Brian Judy, National Rifle Assn.; Phil Shave, Retired Law Enforcement Officer; Annette Wachter, U.S. Rifle Team; Ed Owens, Hunter's Heritage Council; Joe Waldron, Gun Owner's Action League; Rodger Phillip Murray, Wildlife Committee of WA; Boyd Kneeland, WA Arms Collectors, Snoqualmie Valley Pistol Club; Richard King, Jr., 2nd enforcers; David Carnahan, Military and Police for Public Safety; Marty Hayes, Firearms Academy Seattle; Barron Barnett, Dustin Reischman, Ray Carter, Kevin Cobden, Jacob Kukuk, Erik Nervik, Lowell Millard, William Smith, Jim Goldsmith, Rod Schenk, Patricia Johnson, William McNally, Jim Adsley, citizens.

CON: Tyra Lindquist, WA Coalition Against Domestic Violence; Linda Clifton, Anti-Defamation League; Asst. Chief Carmen Best, Seattle Police Dept.; Cheryl Stumbo, Rebecca Johnson, Bishop James Waggener, JoAnn Arlow, Heidi Yewman, Rabbi Seth Goldstein, Dr. Marylyn Berko, Barbara Hens-Turner, Stacy Anderson, Rabbi Bruce Yodden, Jasmit Sigh, Cheryl Berenson, citizens.