
Civil Rights & Judiciary Committee

HB 2519

Brief Description: Concerning reasonable public safety measures to prevent dangerous individuals from acquiring ammunition.

Sponsors: Representatives Walen, Valdez, Orwall, Kilduff, Thai, Chapman, Peterson, Davis, Doglio, Ramel, Tharinger, Pollet, Cody, Ormsby and Robinson; by request of Attorney General.

Brief Summary of Bill

- Creates criminal offenses relating to unlawful possession of ammunition and unlawfully delivering ammunition to anyone the person has reasonable cause to believe is prohibited from possessing ammunition.
- Provides that a person engaged in the business of selling ammunition at wholesale or retail is a dealer and must obtain a license to sell ammunition, and with exceptions, provides that the sale of ammunition must occur in a face-to-face transaction.
- Provides that if federal law changes to allow access to the National Instant Criminal Background Check System for the purpose of conducting a background check for ammunition transfers, a dealer must then conduct a background check before delivering ammunition to a purchaser or transferee.
- Provides that certain laws relating to firearms apply in the same manner with respect to ammunition.

Hearing Date: 1/21/20

Staff: Edie Adams (786-7180).

Background:

Firearms Dealers.

Under state law a dealer includes anyone engaged in the business of selling firearms who has, or is required to have, a federal dealer's license. A person is not required to have a dealer's license if

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the 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. Under state law, a dealer must have a license in order to sell ammunition. Aside from this requirement, state firearms laws do not regulate the purchase or transfer of ammunition.

Federal Ammunition Regulations.

Federal law contains some restrictions relating to the possession and transfer of ammunition. Persons who are prohibited from purchasing or possessing firearms under federal law are also prohibited from purchasing or possessing ammunition. It is unlawful for any person to sell or transfer ammunition to any person knowing or having reasonable cause to believe that the person is a prohibited purchaser.

A licensed dealer may not sell or deliver ammunition for a long gun to any person the dealer knows or has reasonable cause to believe is under the age of 18 and may not sell or deliver ammunition for a pistol to anyone the dealer knows or has reasonable cause to believe is under the age of 21. Subject to certain exceptions, no person may sell or transfer handgun ammunition to any person the transferor knows or has reasonable cause to believe is under age 18, and it is unlawful for a person under age 18 to knowingly possess ammunition that is suitable only for a handgun.

There is no federal requirement for ammunition sellers to conduct a background check on an ammunition purchaser to determine whether the person is a prohibited purchaser.

National Instant Criminal Background Check System.

Under federal law, a dealer must conduct a background check through the National Instant Criminal Background Check System (NICS) before transferring a firearm. Federal regulations contain limitations on who can access the NICS as well as the purposes for which the NICS may be accessed. Dealers may initiate a NICS background check only in connection with a proposed firearm transfer and are strictly prohibited from initiating a NICS check for any other purpose. A state point of contact is prohibited from accessing the NICS for purposes other than a firearms transfer except in limited circumstances, including in connection with a firearms-related license or permit, such as a concealed pistol license.

Summary of Bill:

Provisions are established governing possession, sale, and transfer of ammunition.

"Ammunition" means one or more cartridges consisting of a primed case, propellant, and with one or more projectiles. "Ammunition" includes, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm that can cause death or substantial bodily harm. "Ammunition" does not include blanks.

A person is guilty of the crime of Unlawful Possession of Ammunition if the person is prohibited from possessing firearms under the offense of Unlawful Possession of a Firearm and the person owns, has in his or her possession, or has in his or her control, any ammunition. Unlawful Possession of Ammunition is a gross misdemeanor offense.

It is unlawful for a person to deliver ammunition to anyone the person has reasonable cause to believe is prohibited from possessing a firearm under the offense of Unlawful Possession of a

Firearm or who has signed a voluntary waiver of firearm rights that has not been revoked. A violation is a class C felony.

A person engaged in the business of selling ammunition at wholesale or retail is a dealer under the chapter of law governing firearms, and may not sell or transfer ammunition without a license to do so.

The sale of ammunition may occur only in a face-to-face transaction with the seller unless the purchaser is a dealer or an authorized local, state, or federal law enforcement representative and the sale, delivery, or transfer is for use by that government agency. An intentional violation of this restriction is a misdemeanor offense and is also designated as a violation of the Consumer Protection Act.

If federal law is amended to authorize use of the National Instant Criminal Background Check System (NICS) for ammunition transfers, it is the intent of the Legislature that a dealer conduct a background check before delivering ammunition to a purchaser or transferee. A dealer must begin conducting background checks on ammunition purchasers or transferees beginning on the date that is 30 days after the Attorney General certifies that federal law has been amended to authorize NICS checks for ammunition transfers. The Attorney General must notify dealers at the time of issuing the certification. Background checks are not required for ammunition sales occurring at a duly licensed, lawfully operated shooting range or target facility, if the ammunition is kept within the facility's premises at all times.

The provisions of law relating to the return of privately owned firearms by a law enforcement agency apply in the same manner to a law enforcement agency's return of any privately owned ammunition. The provisions of law governing voluntary waiver of firearms rights apply in the same manner to waiver of ammunition possession rights. The provisions of law governing court orders to surrender weapons when issuing protective orders apply in the same manner to surrender of ammunition.

Appropriation: None.

Fiscal Note: Requested on January 20, 2020.

Effective Date: The bill takes effect on January 1, 2021.