

# FINAL BILL REPORT

## SHB 2555

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Synopsis as Enacted

**Brief Description:** Concerning background check requirements for firearms classified as other under federal firearms laws.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representative Goodman).

**House Committee on Civil Rights & Judiciary**  
**House Committee on Appropriations**  
**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**

### **Background:**

Under the federal Brady Handgun Violence Prevention Act (Brady Act), a licensed dealer must, with few exceptions, conduct a background check on all firearms transfers to determine whether the purchaser is prohibited by state or federal law from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS). When the NICS became operational in 1998, the Federal Bureau of Investigation (FBI) requested each state to designate themselves as either a full point of contact (POC) state, a partial POC state, or a non-POC state. Washington opted to act as a partial POC state, which means that the NICS check for handgun transfers is conducted by the state and the NICS check for long gun transfers is conducted by the firearms dealer. Local law enforcement agencies serve as the partial POC for licensed dealers in conducting the NICS checks for handgun transfers.

Federal law defines "firearm" in a manner that includes the frame or receiver of a firearm. Federal regulations define "firearm frame or receiver" as that part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Under federal law it is unlawful for a dealer to transfer any firearm, other than a rifle or shotgun, to a nonresident of the dealer's state of residence. In addition, a dealer may not transfer a firearm to a person under age 18, and if the firearm is other than a rifle or shotgun, may not transfer the firearm to a person under age 21. Frames and receivers do not meet the federal definitions of either handguns or long guns and so are categorized as "other" firearms.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Bureau of Alcohol, Tobacco, Firearms and Explosives has provided guidance that "other" firearms may not be transferred to persons under the age of 21 or to persons residing in another state. As such, "other" firearms must be processed in the same manner as handguns for the purposes of the required background check under the Brady Act.

The FBI recently conducted a review of full POC and partial POC background check processing to determine whether states are processing background checks appropriately. In 2018 the FBI notified Washington that it is not serving as a partial POC on all required firearms transfers. This includes transfers of firearms categorized as "other" under federal law. The FBI indicated that the NICS section will stop processing NICS background checks for these transfers, but has delayed this change to give the state time to revise its laws governing these transfers.

### **Summary:**

Beginning on the date that is 30 days after the Washington State Patrol (WSP) notifies firearms dealers that a state background check system is established within the WSP, a dealer must use the state background check system to conduct background checks of purchasers or transferees of firearm frames or receivers. "Firearm frame or receiver" is defined as the federally regulated part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

A dealer may not deliver a firearm frame or receiver to a purchaser or transferee unless the dealer conducts a background check on the applicant through the state background check system and:

- the results of all background checks are known and the purchaser or transferee: (i) is not prohibited from owning or possessing a firearm under federal or state law; and (ii) does not have a voluntary waiver of firearm rights currently in effect; or
- 10 business days have elapsed from the date the licensed dealer requested the background check.

When processing an application for the purchase or transfer of a firearm frame or receiver, a dealer must comply with the application, recordkeeping, and other requirements that apply to the sale or transfer of a pistol.

A signed application for the purchase or transfer of a firearm frame or receiver constitutes a waiver of confidentiality and written request that the Health Care Authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility to possess a firearm. Any such mental health information received by a court, law enforcement agency, or the state may not be disclosed except to law enforcement or corrections agencies.

The Department of Licensing must keep copies or records of applications for the purchase or transfer of firearm frames and receivers and copies or records of firearm frame or receiver transfers in the same manner as pistol and semiautomatic assault rifle application and transfer records.

A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm frame or receiver is guilty of false swearing.

**Votes on Final Passage:**

House	56	42
Senate	28	20

**Effective:** June 11, 2020