

HOUSE BILL REPORT

SSB 5436

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to transfers of firearms to museums and historical societies.

Brief Description: Concerning transfers of firearms to museums and historical societies.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Wilson, J., Dozier and Fortunato).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 3/21/23, 3/28/23 [DPA].

Brief Summary of Substitute Bill
(As Amended By Committee)

- Exempts the transfer, gift, loan, sale, or bequest of a firearm to a museum or historical society from the background check requirements for a transfer of a firearm where neither party is a licensed dealer.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney, Entenman, Goodman, Peterson, Rude, Thai and Walen.

Staff: Matt Sterling (786-7289).

Background:

All firearm sales or transfers, in whole or part in the state, are subject to background checks unless specifically exempted by state or federal law. The background check requirement

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applies to all sales or transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

Requirements for Sale or Transfer of a Firearm.

Generally, no person may sell or transfer a firearm unless that person is a licensed dealer or the purchaser or transferee is a licensed dealer. However, a sale or transfer of a firearm is permissible when neither party is a licensed dealer if the:

- sale or transfer is processed by a licensed dealer;
- licensed dealer processing the sale or transfer complies with all requirements of federal and state law that would apply if the dealer were selling or transferring the firearm; and
- purchaser or transferee completes, signs, and submits all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

Sale or Transfer Exceptions. There are certain circumstances when neither party is a licensed dealer that the requirements for a sale or transfer of a firearm do not apply. These exceptions to the requirements for the sale or transfer of a firearm include:

- a transfer between immediate family members;
- the sale or transfer of an antique firearm;
- a temporary transfer of possession of a firearm necessary to prevent imminent death or great bodily harm to the transferee and the transferee is not prohibited from possessing a firearm under state or federal law;
- the temporary transfer of possession of a firearm if intended to prevent suicide or self-inflicted great bodily harm;
- any law enforcement or corrections agency and, any law enforcement or corrections officer, United States Marshal, member of the armed forces of the United States or the National Guard, or federal officials that are acting within the course and scope of the person's employment or official duties;
- a federally licensed gunsmith for the purpose of service or repair, or the return of the firearm to its owner;
- a person who acquired a firearm by operation of law upon the death of the former owner and is in compliance with all federal and state laws; or
- a sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic.

Exceptions for Temporary Transfer of a Firearm. Additionally, there are further exceptions to the requirements for the temporary transfer of a firearm that include such transfers:

- between spouses or domestic partners;
- to an established and authorized shooting range where the firearm is kept at all times;
- where the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm or while participating in or practicing for a performance by an organized group that uses firearms as part of the performance;
- to a person who is under 18 years of age for lawful hunting, sporting, or educational

- purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms;
- where the transferee and the firearm remain in the presence of the transferor; or
- while legally hunting if the transferee is not prohibited from possessing firearms under state and federal law, has completed all training, and holds all licenses or permits required for such hunting.

Summary of Amended Bill:

The requirements for a sale or transfer of a firearm where neither party is a licensed dealer do not apply to a transfer, gift, loan, sale, or bequest to a museum or historical society, or to museum or historical society personnel while acting in the scope of their official duties.

If a museum or historical society returns a loaned firearm to the lender, the museum or historical society must comply with the requirements for a transfer of a firearm.

Amended Bill Compared to Substitute Bill:

The substitute bill does not define a museum or historical society. The amended bill provides a definition for a "museum or historical society" to mean an institution that:

- is designated as a nonprofit organization by the Internal Revenue Service;
- is operated by a nonprofit corporation, nonprofit association, or public agency that is primarily educational, scientific, historic, or aesthetic in purpose; and
- owns, borrows, studies, or cares for tangible objects and exhibits them.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is an allowance for something that we have all participated in if you have taken a trip to a museum and seen any display that includes firearms. These firearms are an important part of recreating or telling stories of historical events. This bill will exempt the transfer of these firearms from background checks so they can be given and loaned to a museum. This is a result of the Initiative 594 passed in 2014 where background checks were required. This is an important bill that just fixes this previous omission that prevents museums from adding firearms into their collection. There are existing exceptions

for theaters and others and museums need to continue their work that has not resulted in any incidents. Museums are nonprofit corporations, and it is impossible to conduct the background check in order to transfer the firearm from an individual because museums are not individuals. Museums have handled these transfers for over a century, but when the public safety law in 2014 was put into effect, it did not exempt museums. Since 2014, museums have been unable to collect a post-1898 manufactured firearm into their collections. The bill better defines the process to allow donors to provide a firearm to a museum. If a firearm is ever loaned or sold, the transfer has to go through a licensed dealer. There is no public safety at risk with these transactions. This bill should be passed in order to support our historical displays. Museums are very excited about working with families that have these items to allow them to bring them to the museums. Having these items will allow museums to better tell these stories which are often stories of a person's service to the country.

(Opposed) None.

Persons Testifying: Senator Jeff Wilson, prime sponsor; Bradley Richardson, Clark County Historical Museum; and Joseph Govednik, Washington Museum Association and Cowlitz County Museum.

Persons Signed In To Testify But Not Testifying: None.