
SUBSTITUTE SENATE BILL 5436

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators J. Wilson, Dozier, and Fortunato)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to transfers of firearms to museums and
2 historical societies; and amending RCW 9.41.113.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.113 and 2019 c 3 s 11 are each amended to read
5 as follows:

6 (1) All firearm sales or transfers, in whole or part in this
7 state including without limitation a sale or transfer where either
8 the purchaser or seller or transferee or transferor is in Washington,
9 shall be subject to background checks unless specifically exempted by
10 state or federal law. The background check requirement applies to all
11 sales or transfers including, but not limited to, sales and transfers
12 through a licensed dealer, at gun shows, online, and between
13 unlicensed persons.

14 (2) No person shall sell or transfer a firearm unless:

15 (a) The person is a licensed dealer;

16 (b) The purchaser or transferee is a licensed dealer; or

17 (c) The requirements of subsection (3) of this section are met.

18 (3) Where neither party to a prospective firearms transaction is
19 a licensed dealer, the parties to the transaction shall complete the
20 sale or transfer through a licensed dealer as follows:

1 (a) The seller or transferor shall deliver the firearm to a
2 licensed dealer to process the sale or transfer as if it is selling
3 or transferring the firearm from its inventory to the purchaser or
4 transferee, except that the unlicensed seller or transferor may
5 remove the firearm from the business premises of the licensed dealer
6 while the background check is being conducted. If the seller or
7 transferor removes the firearm from the business premises of the
8 licensed dealer while the background check is being conducted, the
9 purchaser or transferee and the seller or transferor shall return to
10 the business premises of the licensed dealer and the seller or
11 transferor shall again deliver the firearm to the licensed dealer
12 prior to completing the sale or transfer.

13 (b) Except as provided in (a) of this subsection, the licensed
14 dealer shall comply with all requirements of federal and state law
15 that would apply if the licensed dealer were selling or transferring
16 the firearm from its inventory to the purchaser or transferee,
17 including but not limited to conducting a background check on the
18 prospective purchaser or transferee in accordance with federal and
19 state law requirements, fulfilling all federal and state
20 recordkeeping requirements, and complying with the specific
21 requirements and restrictions on semiautomatic assault rifles in
22 chapter 3, Laws of 2019.

23 (c) The purchaser or transferee must complete, sign, and submit
24 all federal, state, and local forms necessary to process the required
25 background check to the licensed dealer conducting the background
26 check.

27 (d) If the results of the background check indicate that the
28 purchaser or transferee is ineligible to possess a firearm, then the
29 licensed dealer shall return the firearm to the seller or transferor.

30 (e) The licensed dealer may charge a fee that reflects the fair
31 market value of the administrative costs and efforts incurred by the
32 licensed dealer for facilitating the sale or transfer of the firearm.

33 (4) This section does not apply to:

34 (a) A transfer between immediate family members, which for this
35 subsection shall be limited to spouses, domestic partners, parents,
36 parents-in-law, children, siblings, siblings-in-law, grandparents,
37 grandchildren, nieces, nephews, first cousins, aunts, and uncles,
38 that is a bona fide gift or loan;

39 (b) The sale or transfer of an antique firearm;

1 (c) A temporary transfer of possession of a firearm if such
2 transfer is necessary to prevent imminent death or great bodily harm
3 to the person to whom the firearm is transferred if:

4 (i) The temporary transfer only lasts as long as immediately
5 necessary to prevent such imminent death or great bodily harm; and

6 (ii) The person to whom the firearm is transferred is not
7 prohibited from possessing firearms under state or federal law;

8 (d) A temporary transfer of possession of a firearm if: (i) The
9 transfer is intended to prevent suicide or self-inflicted great
10 bodily harm; (ii) the transfer lasts only as long as reasonably
11 necessary to prevent death or great bodily harm; and (iii) the
12 firearm is not utilized by the transferee for any purpose for the
13 duration of the temporary transfer;

14 (e) Any law enforcement or corrections agency and, to the extent
15 the person is acting within the course and scope of his or her
16 employment or official duties, any law enforcement or corrections
17 officer, United States marshal, member of the armed forces of the
18 United States or the national guard, or federal official;

19 (f) A federally licensed gunsmith who receives a firearm solely
20 for the purposes of service or repair, or the return of the firearm
21 to its owner by the federally licensed gunsmith;

22 (g) The temporary transfer of a firearm (i) between spouses or
23 domestic partners; (ii) if the temporary transfer occurs, and the
24 firearm is kept at all times, at an established shooting range
25 authorized by the governing body of the jurisdiction in which such
26 range is located; (iii) if the temporary transfer occurs and the
27 transferee's possession of the firearm is exclusively at a lawful
28 organized competition involving the use of a firearm, or while
29 participating in or practicing for a performance by an organized
30 group that uses firearms as a part of the performance; (iv) to a
31 person who is under (~~eighteen~~) 18 years of age for lawful hunting,
32 sporting, or educational purposes while under the direct supervision
33 and control of a responsible adult who is not prohibited from
34 possessing firearms; (v) under circumstances in which the transferee
35 and the firearm remain in the presence of the transferor; or (vi)
36 while hunting if the hunting is legal in all places where the person
37 to whom the firearm is transferred possesses the firearm and the
38 person to whom the firearm is transferred has completed all training
39 and holds all licenses or permits required for such hunting, provided
40 that any temporary transfer allowed by this subsection is permitted

1 only if the person to whom the firearm is transferred is not
2 prohibited from possessing firearms under state or federal law;

3 (h) A person who (i) acquired a firearm other than a pistol by
4 operation of law upon the death of the former owner of the firearm or
5 (ii) acquired a pistol by operation of law upon the death of the
6 former owner of the pistol within the preceding (~~sixty~~) 60 days. At
7 the end of the (~~sixty~~) 60-day period, the person must either have
8 lawfully transferred the pistol or must have contacted the department
9 of licensing to notify the department that he or she has possession
10 of the pistol and intends to retain possession of the pistol, in
11 compliance with all federal and state laws; (~~or~~)

12 (i) A sale or transfer when the purchaser or transferee is a
13 licensed collector and the firearm being sold or transferred is a
14 curio or relic; or

15 (j) A transfer, loan, gift, or bequest to a museum or historical
16 society, or the return of loaned firearm(s) to its lender from a
17 museum or historical society, and museum personnel while acting in
18 the scope of their official duties, provided, however, that before
19 returning a loaned firearm to its lender, a museum or historical
20 society or personnel of the museum or historical society must comply
21 with the requirements of subsection (3) of this section.

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