

SENATE BILL REPORT

SB 6763

As Reported By Senate Committee On:
Judiciary, February 05, 2008

Title: An act relating to the National Instant Criminal Background Check System Improvement Amendments Act of 2007.

Brief Description: Concerning background checks.

Sponsors: Senators Tom, Kohl-Welles and Kline.

Brief History:

Committee Activity: Judiciary: 2/5/08 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

Staff: Lidia Mori (786-7755)

Background: The National Instant Criminal Improvement Amendments Act of 2007, HR 2640, was recently passed by Congress and signed by the President. The goal of the federal legislation is to stop people from being able to purchase guns from licensed dealers if the people are not legally allowed to obtain firearms under federal and state laws.

The National Instant Background Check System or NICS processes the background checks of people who are seeking to purchase a firearm. Many background checks are delayed because the FBI does not have automated access to complete information from the States concerning those who are prohibited from possessing or receiving a firearm under federal or state law. The data that is lacking includes state criminal disposition records and information concerning people prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence. To assist states in developing and improving their electronic data systems, congress appropriated one billion one-hundred twenty-five million dollars in grant funds. In order to be eligible for these grants, states must provide to the U.S. Attorney General (USAG) a reasonable estimate of the number of records that concern persons who are prohibited from possessing or receiving a firearm under Title 18, U. S. Code. The estimate must be provided by July 6, 2008. Failure to provide the estimate would make the state ineligible for the federal grants to assist the design and creation of a data system for reporting the necessary information to NICS. It could also result in the

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loss of other federal public safety grants awarded under the Omnibus Crime Control and Safe Streets Act.

Summary of Bill: A work group is required to be established by the Washington State Patrol, the Department of Licensing, and the Administrative Office of the Courts with the participation of the Washington State Office of the Attorney General (WSOAG), and any other necessary offices, agencies, and departments. The purpose of the work group is to develop a written plan for providing the estimate required under the NICS Improvement Amendments Act of 2007. The work group must report back to the Legislature and the WSOAG no later than May 1, 2008 with the plan for providing the estimate to the USAG. The Washington State Attorney General is authorized to collect and deliver the estimate to the USAG.

Appropriation: None.

Fiscal Note: Requested on February 2, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The federal bill, HR 2640, was passed partly due to the tragic Virginia Tech shooting. The shooter in that case had been found by a court to be a danger to himself and was ordered into mental health treatment but this information was not provided to NICS. As a result the shooter was able to pass background checks and buy his guns from licensed dealers. Virginia did not notify NICS of his mental health status so he was able to "legally" purchase firearms. The federal bill has the support of the NRA. Information that is provided to NICS is also required to be kept up to date. The federal law pertains to an information sharing system, it does not create a new class of people that can't purchase or receive a firearm.

Persons Testifying: PRO: Bob Scales, City of Seattle.