

SENATE BILL REPORT

SB 5506

As Reported by Senate Committee On:
Law & Justice, February 16, 2017

Title: An act relating to the transfer of firearms at nonprofit fund-raising activities.

Brief Description: Concerning the transfer of firearms at nonprofit fund-raising activities.
[Revised for 1st Substitute: Concerning the exemption from background checks for delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such firearm by, any of that entity's employees or agents for lawful purposes in the ordinary course of business.]

Sponsors: Senators Zeiger and Wilson.

Brief History:

Committee Activity: Law & Justice: 1/31/17, 2/16/17 [DPS].

Brief Summary of Substitute Bill

- Provides an exemption from background checks for delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents for lawful purposes in the ordinary course of business.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Aldo Melchiori (786-7439)

Background: State and federal law require dealers to conduct background checks for transfers of firearms to unlicensed persons. Since the passage of I-594 in 2014, state law requires background checks for all transfers of all firearms, subject to specified exemptions.

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.

Any sale or transfer of a firearm where neither party is a dealer must be completed through a dealer. The current exemptions include:

1. A transfer as a bona fide gift between immediate family members limited to spouses, domestic partners, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles.
2. The sale or transfer of an antique firearm.
3. A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if the temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law.
4. Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of their employment or official duties, any law enforcement or corrections officer, United States Marshal, member of the armed forces of the United States or the National Guard, or federal official.
5. A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith.
6. The temporary transfer of a firearm:
 - a. between spouses or domestic partners;
 - b. if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located;
 - c. if the temporary transfer occurs and 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 a part of the performance;
 - d. 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;
 - e. while hunting, if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law; or
 - f. a person who acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding 60 days; at the end of the 60-day period, the person must either have lawfully transferred the pistol or must have contacted the Department of Licensing (DOL) to notify the DOL that they have possession of the pistol and intend to retain possession of the pistol, in compliance with all federal and state laws.

Summary of Bill (First Substitute): An additional exemption to the background check requirement is created for delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents for lawful purposes in the ordinary course of business.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Provides an exemption from background checks for delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents for lawful purposes in the ordinary course of business, instead of between individuals while conducting nonprofit fund-raising activities.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill allows for the transfer of firearms and fundraising events. Volunteers and those helping the group would be able to temporarily transfer firearms during the event. These are popular fund raising activities that raise money for good causes.

OTHER: This could be read to mean that the winner of a firearm at a fundraising event could be given the firearm without a background check.

Persons Testifying: PRO: Senator Hans Zeiger, Prime Sponsor; James Williams, Tacoma Sportsman Club; Keely Hopkins, State Liaison, National Rifle Association; Tom Echols, Hunter's Heritage Council; Mark Pidgeon, President, Hunter's Heritage Council.

OTHER: Rebecca Johnson, Alliance for Gun Responsibility.

Persons Signed In To Testify But Not Testifying: No one.