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## Civil Rights & Judiciary Committee

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### HB 1465

**Brief Description:** Concerning requirements for pistol sales or transfers.

**Sponsors:** Representatives Goodman, Jinkins and Santos.

#### Brief Summary of Bill

- Removes a provision allowing a dealer to deliver a pistol to a purchaser who produces a valid concealed pistol license prior to the completion of a state background check.

**Hearing Date:** 2/15/19

**Staff:** Edie Adams (786-7180).

#### **Background:**

Firearms dealers must be licensed under both federal and state law and must comply with federal and state law when making firearms transfers. Licensed firearms dealers are required by federal law and state law to conduct background checks on prospective firearm purchasers to determine whether the purchaser is eligible to possess a firearm.

Federal Law: Under the federal Brady Handgun Violence Prevention 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). The NICS check includes a check of three major databases: the National Crime Information Center; the Interstate Identification Index; and the NICS index. If the purchaser is not a United States citizen, the NICS check will include a check of the Bureau of Immigration and Customs Enforcement records.

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

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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 were given the responsibility of serving as the partial POC for licensed dealers in conducting the NICS checks for handgun transfers.

State Law: Under state law, a licensed firearms dealer may not deliver a pistol to a prospective purchaser until one of the following occurs:

- the purchaser produces a valid concealed pistol license (CPL);
- the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess the firearm and the application is approved; or
- ten business days have elapsed since the application was received by the law enforcement agency (except this time period may be extended for up to 30 days when the purchaser's record lacks certain disposition information, or up to 60 days if the purchaser has no Washington driver's license or identification card, or hasn't lived in the state for the previous 90 days).

The local law enforcement agency conducting the background check for a pistol transfer is required to conduct a NICS check and to check state databases, including the Washington State Patrol databases, the Department of Licensing (DOL) firearms database, and state and local mental health agencies in order to determine whether the purchaser is eligible to possess a firearm under state law.

In practice, the procedures for conducting background checks for pistols differ depending on whether or not the purchaser has a valid CPL. If the purchaser does not have a CPL, the dealer contacts the local sheriff or police department to conduct the NICS check and the state background check. If the purchaser has a valid CPL, the dealer will conduct a NICS check and the local law enforcement agency will conduct the required state background check.

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. The FBI indicated that the NICS Section will stop processing NICS background checks for these transfers, but has delayed this change until the state revises its laws governing these transfers, or June 30, 2019, whichever occurs first.

### **Summary of Bill:**

The provision allowing a dealer to transfer a pistol to a purchaser who produces a valid concealed pistol license is removed. For all pistol transfers, the dealer may not transfer the pistol to the purchaser until either:

- the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess the firearm and the application is approved; or
- ten business days have elapsed since the application was received by the law enforcement agency. This time period may be extended for up to 30 days when the purchaser's record lacks certain disposition information, or up to 60 days if the purchaser has no Washington driver's license or identification card, or hasn't lived in the state for the previous 90 days.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 14, 2019.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2019.