

# SENATE BILL REPORT

## SB 6416

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As of February 4, 2014

**Title:** An act relating to dealer deliveries to active duty law enforcement officers.

**Brief Description:** Concerning dealer deliveries to active duty law enforcement officers.

**Sponsors:** Senators Hatfield and Hobbs.

**Brief History:**

**Committee Activity:** Law & Justice: 2/03/14.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Aldo Melchiori (786-7439)

**Background:** Under state and federal laws, firearms dealers (dealers) must have licenses in order to sell firearms. Under state law, a dealer includes anyone engaged in the business of selling firearms who has or is required to have a federal dealer's license. A person is not required to have a dealer's license in order to sell firearms if the person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of that person's personal collection of firearms. State and federal law require dealers to conduct background checks on sales or transfers of firearms to unlicensed persons.

Under the federal Brady Act, a dealer must, with few exceptions, conduct a background check on all firearm sales or transfers to unlicensed persons to determine whether the purchaser is prohibited from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS). A NICS check typically returns an immediate response. However, if the NICS response is delayed, the dealer may deliver the firearm to the purchaser three business days after initiating the NICS check if the dealer has not received a notification from NICS in that time which the purchaser is ineligible to possess a firearm.

State law regulates the sale or transfer of pistols by dealers, but does not regulate the transfer of long guns. The dealer contacts the local sheriff or police department to conduct the NICS check and a state background check for all pistol transfers where the purchaser does not have a valid concealed pistol license (CPL). If the purchaser has a valid CPL, local law

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enforcement will conduct a state background check, and the dealer will conduct the NICS check, if required.

A dealer may not deliver a pistol to a prospective purchaser until one of the following occurs:

- the purchaser produces a valid 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
- five business days have elapsed since the application was received by the law enforcement agency; or up to 60 days if the person does not have a Washington driver's license or identification or has not resided in the state for the previous 90 days.

A dealer must deliver the pistol to the purchaser following the specified time periods unless the law enforcement agency has notified the dealer of an investigative hold.

**Summary of Bill:** If the purchaser of a pistol produces a valid commission card issued by a Washington State law enforcement agency that shows the purchaser is a full-time commissioned law enforcement officer of the agency, local law enforcement must conduct a state background check, and the dealer must conduct the NICS check, if required. The dealer may then deliver the pistol.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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 required commission card requires an even more stringent background check than that required to obtain a CPL. Some law enforcement agencies do not actually own the service firearms that the officers use. Officers sometimes purchase their own firearms and register them as their service firearm with the agency. These officers are authorized to carry firearms at work, so they have demonstrated their trustworthiness.

**Persons Testifying:** PRO: Senator Hatfield, prime sponsor; Robert Auderer, citizen.