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SENATE BILL 5625

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Kline, Tom, Darneille, Litzow, Kohl-Welles, Chase, Frockt, and Mullet

Read first time 02/06/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to requiring universal background checks for  
2 firearms transfers; amending RCW 9.41.080; creating a new section; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is broad  
6 consensus that certain people, such as felons, minors, and  
7 involuntarily committed persons, should not be eligible to possess  
8 firearms for public safety reasons. Background checks are an effective  
9 and easy mechanism to ensure that firearms are not sold to those who  
10 are prohibited from possessing them. However, because background check  
11 requirements apply only to transfers by licensed firearms dealers, many  
12 firearms are currently sold without a background check, allowing felons  
13 and other ineligible persons to gain access to them. The legislature  
14 intends by this act to strengthen our background check system by  
15 broadening the requirement for a background check to apply to all  
16 firearms sales in the state.

17 **Sec. 2.** RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended to  
18 read as follows:

1       (1) No person may deliver a firearm to any person whom he or she  
2 has reasonable cause to believe is ineligible under ((RCW 9.41.040))  
3 state or federal law to possess a firearm. Any person violating this  
4 ((section)) subsection is guilty of a class C felony, punishable under  
5 chapter 9A.20 RCW.

6       (2)(a) No unlicensed person may sell a firearm to another  
7 unlicensed person unless the purchaser has undergone a background check  
8 in accordance with the provisions of this subsection (2) and the  
9 purchaser is not ineligible to possess a firearm under state or federal  
10 law.

11       (b) A seller of a firearm to an unlicensed person shall request a  
12 background check of the purchaser or transferee from a dealer or from  
13 the chief of police or the sheriff of the jurisdiction in which the  
14 seller or the purchaser resides. The background check shall include a  
15 check of the national criminal instant background check system.

16       (c) The purchaser must complete an application to transfer a  
17 firearm. The application shall be provided to the dealer or the chief  
18 of police or sheriff conducting the background check.

19       (d) The department of licensing shall create and make available an  
20 application to transfer a firearm for use by unlicensed persons engaged  
21 in the sale or purchase of a firearm. The application shall include  
22 the information required under RCW 9.41.090 for an application to  
23 purchase a pistol from a dealer, and any other information the  
24 department of licensing determines is appropriate.

25       (e) A dealer or a chief of police or sheriff who conducts a  
26 background check for an unlicensed person under this subsection (2)  
27 must indicate on the application whether the purchaser is eligible or  
28 ineligible to possess a firearm under state and federal law based on  
29 the results of the background check. A dealer or a chief of police or  
30 sheriff may charge a fee for conducting the background check in an  
31 amount not to exceed twenty dollars, plus any charges imposed by the  
32 federal bureau of investigation.

33       (f) A person who sells a firearm to an unlicensed person in  
34 violation of this subsection (2) is guilty of a gross misdemeanor  
35 punishable under chapter 9A.20 RCW.

36       (g) For the purposes of this subsection (2), "unlicensed person"  
37 means any person who is not licensed as a dealer under this chapter.

1       (h) This subsection (2) does not apply to the sale of an antique  
2 firearm.

3       (i) This subsection (2) does not apply to, and is not intended to  
4 alter the requirements of this chapter that apply to, the sale of a  
5 firearm by a dealer licensed under this chapter.

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