

SSB 5579 - S AMD 278

By Senator Dammeier

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.41.113 and 2015 c 1 s 3 (Initiative Measure No.
4 594) are each amended to read as follows:

5 (1) All firearm sales or transfers, in whole or part in this
6 state including without limitation a sale or transfer where either
7 the purchaser or seller or transferee or transferor is in Washington,
8 shall be subject to background checks unless specifically exempted by
9 state or federal law. The background check requirement applies to all
10 sales or transfers including, but not limited to, sales and transfers
11 through a licensed dealer, at gun shows, online, and between
12 unlicensed persons.

13 (2) No person shall sell or transfer a firearm unless:

14 (a) The person is a licensed dealer;

15 (b) The purchaser or transferee is a licensed dealer; or

16 (c) The requirements of subsection (3) of this section are met.

17 (3) Where neither party to a prospective firearms transaction is
18 a licensed dealer, the parties to the transaction shall complete the
19 sale or transfer through a licensed dealer as follows:

20 (a) The seller or transferor shall deliver the firearm to a
21 licensed dealer to process the sale or transfer as if it is selling
22 or transferring the firearm from its inventory to the purchaser or
23 transferee, except that the unlicensed seller or transferor may
24 remove the firearm from the business premises of the licensed dealer
25 while the background check is being conducted. If the seller or
26 transferor removes the firearm from the business premises of the
27 licensed dealer while the background check is being conducted, the
28 purchaser or transferee and the seller or transferor shall return to
29 the business premises of the licensed dealer and the seller or
30 transferor shall again deliver the firearm to the licensed dealer
31 prior to completing the sale or transfer.

32 (b) Except as provided in (a) of this subsection, the licensed
33 dealer shall comply with all requirements of federal and state law
34 that would apply if the licensed dealer were selling or transferring

1 the firearm from its inventory to the purchaser or transferee,
2 including but not limited to conducting a background check on the
3 prospective purchaser or transferee in accordance with federal and
4 state law requirements and fulfilling all federal and state
5 recordkeeping requirements.

6 (c) The purchaser or transferee must complete, sign, and submit
7 all federal, state, and local forms necessary to process the required
8 background check to the licensed dealer conducting the background
9 check.

10 (d) If the results of the background check indicate that the
11 purchaser or transferee is ineligible to possess a firearm, then the
12 licensed dealer shall return the firearm to the seller or transferor.

13 (e) The licensed dealer may charge a fee that reflects the fair
14 market value of the administrative costs and efforts incurred by the
15 licensed dealer for facilitating the sale or transfer of the firearm.

16 (4) This section does not apply to:

17 (a) A transfer between immediate family members, which for this
18 subsection shall be limited to spouses, domestic partners, parents,
19 children, siblings, grandparents, grandchildren, nieces, nephews,
20 first cousins, aunts, and uncles, that is a bona fide gift;

21 (b) The sale or transfer of an antique firearm;

22 (c) A temporary transfer of possession of a firearm if such
23 transfer is necessary to prevent imminent death or great bodily harm
24 to the person to whom the firearm is transferred if:

25 (i) The temporary transfer only lasts as long as immediately
26 necessary to prevent such imminent death or great bodily harm; and

27 (ii) The person to whom the firearm is transferred is not
28 prohibited from possessing firearms under state or federal law;

29 (d) Any law enforcement or corrections agency and, to the extent
30 the person is acting within the course and scope of his or her
31 employment or official duties, any law enforcement or corrections
32 officer, United States marshal, member of the armed forces of the
33 United States or the national guard, or federal official;

34 (e) A federally licensed gunsmith who receives a firearm solely
35 for the purposes of service or repair, or the return of the firearm
36 to its owner by the federally licensed gunsmith;

37 (f) A transfer of a firearm between armed private security guards
38 licensed under RCW 18.170.040, a transfer of a firearm between the
39 owner of the firearm and an armed private security guard licensed
40 under RCW 18.170.040, or a transfer of a firearm between a person

1 being trained to be a licensed armed private security guard under the
2 supervision of a certified firearms instructor, to the extent they
3 are acting within the course and scope of their employment or
4 official duties. For the purposes of this subsection (4)(f), "owner
5 of the firearm" means a private security company licensed under RCW
6 18.170.060 that is required to own or lease the firearm under RCW
7 18.170.050;

8 (g) The temporary transfer of a firearm (i) between spouses or
9 domestic partners; (ii) if the temporary transfer occurs, and the
10 firearm is kept at all times, at an established shooting range
11 authorized by the governing body of the jurisdiction in which such
12 range is located; (iii) if the temporary transfer occurs and the
13 transferee's possession of the firearm is exclusively at a lawful
14 organized competition involving the use of a firearm, or while
15 participating in or practicing for a performance by an organized
16 group that uses firearms as a part of the performance; (iv) to a
17 person who is under eighteen years of age for lawful hunting,
18 sporting, or educational purposes while under the direct supervision
19 and control of a responsible adult who is not prohibited from
20 possessing firearms; or (v) while hunting if the hunting is legal in
21 all places where the person to whom the firearm is transferred
22 possesses the firearm and the person to whom the firearm is
23 transferred has completed all training and holds all licenses or
24 permits required for such hunting, provided that any temporary
25 transfer allowed by this subsection is permitted only if the person
26 to whom the firearm is transferred is not prohibited from possessing
27 firearms under state or federal law; or

28 ~~((g))~~ (h) A person who (i) acquired a firearm other than a
29 pistol by operation of law upon the death of the former owner of the
30 firearm or (ii) acquired a pistol by operation of law upon the death
31 of the former owner of the pistol within the preceding sixty days. At
32 the end of the sixty-day period, the person must either have lawfully
33 transferred the pistol or must have contacted the department of
34 licensing to notify the department that he or she has possession of
35 the pistol and intends to retain possession of the pistol, in
36 compliance with all federal and state laws."

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1 On page 1, line 2 of the title, after "requirements;" strike the
2 remainder of the title and insert "and amending RCW 9.41.113."

EFFECT: Only transfers between licensed armed private security guards and the owner of the firearm is exempt from the background check requirement, to the extent they are acting within the course and scope of their employment or official duties. Owner of the firearm is defined as a private security company licensed under RCW 18.170.060 that is required to own or lease the firearm under RCW 18.170.050.

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