

SENATE BILL REPORT

SB 6158

As Reported by Senate Committee On:
Law & Justice, February 1, 2016

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.

Sponsors: Senators Dammeier, Benton, Sheldon, Hargrove, Conway, Roach, Schoesler, Rivers, Angel, Pearson, Becker, Hobbs, Warnick, Baumgartner, Honeyford, Dandel, O'Ban and Padden.

Brief History:

Committee Activity: Law & Justice: 1/25/16, 2/01/16 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

Minority Report: Do not pass.

Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

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. 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;

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4. any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her 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; or
 - 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; and
7. 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. In this circumstance, 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 to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws.

Summary of Bill: An additional exemption to the background check requirement is created for the transfer of possession of a firearm between individuals while conducting nonprofit fund-raising activities. These include but are not limited to auctions, raffles, and contests.

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: These fundraising activities support many educational, firearms safety, and conservation causes. This only applies to people who are running the events. The people who win the firearms remain subject to background checks.

There is no current exemption for these temporary transfers. Ducks Unlimited had to get a firearms dealer to come to a raffle to satisfy the concerns expressed by our attorney. Good people should not risk becoming ensnared by the current law. It is easier to clarify the law now rather than test the matter in court.

CON: The people passed this law and it has stopped nearly 100 transfers. Passing a gun around is a temporary transfer that is not covered by the current law. Many terms in the statute need to be clearly defined.

Persons Testifying: PRO: Senator Dammeier, prime sponsor; James Williams, Tacoma Sportsmen; Andrew Mesojdnik, Ducks Unlimited Chapter 15; Tom Kwiecick, NRA.

CON: Elyette Weinstein, citizen; Rebecca Johnson, Alliance for Gun Responsibility.

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