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SENATE BILL 5506

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State of Washington

65th Legislature

2017 Regular Session

By Senators Zeiger and Wilson

Read first time 01/26/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to the transfer of firearms at nonprofit fund-  
2 raising activities; and amending RCW 9.41.113.

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

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

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

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

15 (a) The person is a licensed dealer;

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

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

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

1 (a) The seller or transferor shall deliver the firearm to a  
2 licensed dealer to process the sale or transfer as if it is selling  
3 or transferring the firearm from its inventory to the purchaser or  
4 transferee, except that the unlicensed seller or transferor may  
5 remove the firearm from the business premises of the licensed dealer  
6 while the background check is being conducted. If the seller or  
7 transferor removes the firearm from the business premises of the  
8 licensed dealer while the background check is being conducted, the  
9 purchaser or transferee and the seller or transferor shall return to  
10 the business premises of the licensed dealer and the seller or  
11 transferor shall again deliver the firearm to the licensed dealer  
12 prior to completing the sale or transfer.

13 (b) Except as provided in (a) of this subsection, the licensed  
14 dealer shall comply with all requirements of federal and state law  
15 that would apply if the licensed dealer were selling or transferring  
16 the firearm from its inventory to the purchaser or transferee,  
17 including but not limited to conducting a background check on the  
18 prospective purchaser or transferee in accordance with federal and  
19 state law requirements and fulfilling all federal and state  
20 recordkeeping requirements.

21 (c) The purchaser or transferee must complete, sign, and submit  
22 all federal, state, and local forms necessary to process the required  
23 background check to the licensed dealer conducting the background  
24 check.

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

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

31 (4) This section does not apply to:

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

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

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

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

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

5 (d) Any law enforcement or corrections agency and, to the extent  
6 the person is acting within the course and scope of his or her  
7 employment or official duties, any law enforcement or corrections  
8 officer, United States marshal, member of the armed forces of the  
9 United States or the national guard, or federal official;

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

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

33 (g) A transfer of possession of a firearm between individuals  
34 while conducting nonprofit fund-raising activities including, but not  
35 limited to, auctions, raffles, and contests; or

36 (h) A person who (i) acquired a firearm other than a pistol by  
37 operation of law upon the death of the former owner of the firearm or  
38 (ii) acquired a pistol by operation of law upon the death of the  
39 former owner of the pistol within the preceding sixty days. At the  
40 end of the sixty-day period, the person must either have lawfully

1 transferred the pistol or must have contacted the department of  
2 licensing to notify the department that he or she has possession of  
3 the pistol and intends to retain possession of the pistol, in  
4 compliance with all federal and state laws.

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