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## Civil Rights & Judiciary Committee

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### HB 1949

**Brief Description:** Conducting a feasibility study to examine and make recommendations regarding the establishment of a single point of contact firearm background check system.

**Sponsors:** Representatives Hansen, Irwin, Griffey, Kilduff and Graham.

#### Brief Summary of Bill

- Requires a feasibility study to consider and make recommendations regarding the establishment of a single point of contact firearms background check system in Washington.

**Hearing Date:** 2/19/19

**Staff:** Edie Adams (786-7180).

#### Background:

Under the federal Brady Handgun Violence Prevention Act, a licensed dealer must, with few exceptions, conduct a background check on all firearms transfers to determine whether the purchaser is prohibited by state or federal law from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS). The NICS check includes a check of three major databases: the National Crime Information Center; the Interstate Identification Index; and the NICS index. If the purchaser is not a United States citizen, the NICS check will include a check of the Bureau of Immigration and Customs Enforcement records.

When the NICS became operational in 1998, the Federal Bureau of Investigation (FBI) requested each state to designate themselves as either a full point of contact (POC) state, a partial POC state, or a non POC state. Washington opted to act as a partial POC state, which means that the NICS check for pistol transfers is conducted by the state and the NICS check for long gun transfers is conducted by the firearms dealer.

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Local law enforcement agencies serve as the partial POC for licensed dealers in conducting the NICS checks for pistol transfers. In addition to the NICS check, the local law enforcement agency must also conduct a background check required under state law. The state background check includes a check of the Washington State Patrol's databases, the DOL firearms database, local records management systems, state and local mental health agencies, and other agencies or resources as appropriate.

According to the FBI, Washington is one of only seven states that are partial POC states. Thirteen states serve as full POC states (also called single POC states), meaning that the licensed dealer contacts the state for all firearm background checks, including background checks required for firearms permits. Thirty-six states and territories are non POC states in which the dealer contacts the NICS for all firearms transfers.

### **Summary of Bill:**

The Joint Legislative Audit and Review Committee (JLARC) must conduct a feasibility study and make recommendations by December 1, 2019, regarding the establishment of a single point of contact (POC) system for firearm background checks. The JLARC may contract with an independent expert to assist with the study, which must consider and make recommendations regarding:

- whether or not public safety could be improved by implementing a single POC system;
- whether a single POC system would more effectively keep prohibited persons from obtaining firearms while continuing to respect a person's constitutional right to bear arms;
- whether a single POC system would simplify the background check process for those purchasing firearms, firearms dealers, and law enforcement agencies;
- the feasibility of creating a single POC system within the Washington State Patrol or the Washington Association of Sheriffs and Police Chiefs, creating a new agency for this purpose, or a combination of these options;
- what computer system improvements would need to be made to most effectively and efficiently administer a single POC system; and
- the approximate cost to establish a single POC system, and the approximate annual cost to operate such a system.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.