

# SENATE BILL REPORT

## SSB 5856

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As Passed Senate, February 9, 2022

**Title:** An act relating to transfers of firearms to museums and historical societies.

**Brief Description:** Concerning transfers of firearms to museums and historical societies.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Wilson, J. and Wilson, L.).

**Brief History:**

**Committee Activity:** Law & Justice: 2/01/22, 2/03/22 [DPS].

**Floor Activity:** Passed Senate: 2/9/22, 49-0.

**Brief Summary of First Substitute Bill**

- Exempts the gift, loan, sale, bequest, or transfer of a firearm to a museum or historical society from the requirements for a transfer of a firearm where neither party is a licensed dealer.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5856 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

**Staff:** Joe McKittrick (786-7287)

**Background:** State and federal law require firearms dealers to conduct background checks for all sales or transfers of firearms where either the purchaser or seller, or transferee or transferor, is in Washington unless specifically exempt by state or federal law.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

While generally no person may sell or transfer a firearm unless that person is a licensed dealer, or the purchaser or transferee is a licensed dealer, a sale or transfer of a firearm is permissible when neither party is a licensed dealer if:

- the sale or transfer is processed by a licensed dealer;
- the licensed dealer processing the sale or transfer complies with all requirements of federal and state law that would apply if the dealer were selling or transferring the firearm; and
- the purchaser or transferee completes, signs and submits all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

The following requirements for a sale or transfer of a firearm where neither party is a licensed dealer do not apply to:

- a transfer between immediate family members;
- the sale or transfer of an antique firearm;
- a temporary transfer of possession of a firearm necessary to prevent imminent death or great bodily harm to the transferee so long as the transfer only lasts as long as immediately necessary and the transferee is not prohibited from possessing a firearm under state or federal law;
- temporary transfer of possession of a firearm if intended to prevent suicide or self-inflicted great bodily harm; the transfer lasts only as long as reasonably necessary; the firearm is not used by the transferee for the duration of the temporary transfer;
- any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of the person's 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 officials;
- a federally licensed gunsmith for the purpose of service or repair, or the return of the firearm to its owner;
- a person who acquired a firearm other than a pistol by operation of law upon the death of the former owner, or a person who acquired a pistol in the same manner within the preceding 60 days at the end of which the person must either have lawfully transferred the pistol or must have notified the Department of Licensing that they have possession of the pistol and intend to retain possession in compliance with all federal and state laws; or
- a sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic.

The following requirements for a sale or transfer of a firearm where neither party is a licensed dealer also do not apply to the temporary transfer of a firearm:

- between spouses or domestic partners;
- if the temporary transfer occurs, and the firearm is kept at all times, at an established and authorized shooting range;
- 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 part of the performance;
- 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;
  - under circumstances in which the transferee and the firearm remain in the presence of the transferor; or
  - while legally hunting, and the transferee is not prohibited from possessing firearms under state and federal law and has completed all training and holds all licenses or permits required for such hunting.

**Summary of First Substitute Bill:** The requirements for a sale or transfer of a firearm where neither party is a licensed dealer do not apply to a gift, loan, sale, bequest, or transfer to a museum or historical society.

The return of a loaned firearm or firearms to the rightful owner from a museum or historical society, or museum or historical society personnel while acting in the scope of their official duties must comply with the requirements for a transfer of a firearm where neither party is a licensed dealer.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute:** *The committee recommended a different version of the bill than what was heard.* PRO: This is an important issue to the museums in Washington. It is almost impossible for individuals to provide firearms to museums under the current law.

Under the current law, there is no way to run a background check on a 501(c)(3) corporation like a museum or historical society. This bill would provide an avenue for individuals to provide museums firearms. This bill would fix an oversight in the current law and would protect the employees of museums and historical societies.

The law passed in 2014 created an oversight where it is now impossible for an individual to transfer a firearm to a museum or historical society as those organizations are nonprofit organizations. We want to ensure that these organizations can gather and share all of the history of Washington State, including firearms.

While background checks are vital, cleaning up this law will support another element of firearm responsibility. Museums and historical societies do not plan to use the firearms but instead plan to use these items to help tell a story.

OTHER: Washington State heritage organizations need assistance and clarity on this issue. The employees of museums and historical societies should also be protected in handling transfers of firearms to and from their respective organizations.

**Persons Testifying:** PRO: Senator Jeff Wilson, Prime Sponsor; Joseph Govednik, Cowlitz County Historical Museum; Ralph Munro, Secretary of State, retired; Bradley Richardson, Washington Museum Association; Freya Liggett, Eastern Washington State Historical Society/Northwest Museum of Arts and Culture; Manuel Cawaling, Inspire Washington.

OTHER: Margaret Wetherbee, Washington State Historical Society.

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