

SSB 5436 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 04/10/2023

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

3 "Sec. 1. RCW 9.41.113 and 2019 c 3 s 11 are each amended to read  
4 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.

1 (b) Except as provided in (a) of this subsection, the licensed  
2 dealer shall comply with all requirements of federal and state law  
3 that would apply if the licensed dealer were selling or transferring  
4 the firearm from its inventory to the purchaser or transferee,  
5 including but not limited to conducting a background check on the  
6 prospective purchaser or transferee in accordance with federal and  
7 state law requirements, fulfilling all federal and state  
8 recordkeeping requirements, and complying with the specific  
9 requirements and restrictions on semiautomatic assault rifles in  
10 chapter 3, Laws of 2019.

11 (c) The purchaser or transferee must complete, sign, and submit  
12 all federal, state, and local forms necessary to process the required  
13 background check to the licensed dealer conducting the background  
14 check.

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

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

21 (4) This section does not apply to:

22 (a) A transfer between immediate family members, which for this  
23 subsection shall be limited to spouses, domestic partners, parents,  
24 parents-in-law, children, siblings, siblings-in-law, grandparents,  
25 grandchildren, nieces, nephews, first cousins, aunts, and uncles,  
26 that is a bona fide gift or loan;

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

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

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

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

35 (d) A temporary transfer of possession of a firearm if: (i) The  
36 transfer is intended to prevent suicide or self-inflicted great  
37 bodily harm; (ii) the transfer lasts only as long as reasonably  
38 necessary to prevent death or great bodily harm; and (iii) the  
39 firearm is not utilized by the transferee for any purpose for the  
40 duration of the temporary transfer;

1 (e) Any law enforcement or corrections agency and, to the extent  
2 the person is acting within the course and scope of his or her  
3 employment or official duties, any law enforcement or corrections  
4 officer, United States marshal, member of the armed forces of the  
5 United States or the national guard, or federal official;

6 (f) A federally licensed gunsmith who receives a firearm solely  
7 for the purposes of service or repair, or the return of the firearm  
8 to its owner by the federally licensed gunsmith;

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

30 (h) A person who (i) acquired a firearm other than a pistol by  
31 operation of law upon the death of the former owner of the firearm or  
32 (ii) acquired a pistol by operation of law upon the death of the  
33 former owner of the pistol within the preceding (~~sixty~~) 60 days. At  
34 the end of the (~~sixty~~) 60-day period, the person must either have  
35 lawfully transferred the pistol or must have contacted the department  
36 of licensing to notify the department that he or she has possession  
37 of the pistol and intends to retain possession of the pistol, in  
38 compliance with all federal and state laws; (~~or~~)

1 (i) A sale or transfer when the purchaser or transferee is a  
2 licensed collector and the firearm being sold or transferred is a  
3 curio or relic; or

4 (j)(i) A transfer, loan, gift, or bequest to a museum or  
5 historical society, or the return of loaned firearm(s) to its lender  
6 from a museum or historical society, and museum personnel while  
7 acting in the scope of their official duties, provided, however, that  
8 before returning a loaned firearm to its lender, a museum or  
9 historical society or personnel of the museum or historical society  
10 must comply with the requirements of subsection (3) of this section.

11 (ii) For the purposes of this subsection (j), "museum or  
12 historical society" means the same as in RCW 63.26.010 and is  
13 designated as a nonprofit organization under section 501(c)(3) of the  
14 internal revenue code."

15 Correct the title.

EFFECT: Defines a "museum or historical society" as an institution that is designated as a nonprofit organization by the internal revenue service and is operated by a nonprofit corporation, nonprofit association, or public agency that is primarily educational, scientific, historic, or aesthetic in purpose and that owns, borrows, studies, or cares for tangible objects and exhibits them.

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