
Civil Rights & Judiciary Committee

SSB 5436

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

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

Brief Summary of Substitute Bill

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

Hearing Date: 3/21/23

Staff: Matt Sterling (786-7289).

Background:

All firearm sales or transfers, in whole or part in the state, are subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

Requirements for Sale or Transfer of a Firearm.

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. However, 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;
- 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

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- 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.

Sale or Transfer Exceptions. There are certain circumstances when neither party is a licensed dealer that the requirements for a sale or transfer of a firearm do not apply. These exceptions to the requirements for the sale or transfer of a firearm include:

- 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 and the transferee is not prohibited from possessing a firearm under state or federal law;
- the temporary transfer of possession of a firearm if intended to prevent suicide or self-inflicted great bodily harm;
- any law enforcement or corrections agency and, 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 that are acting within the course and scope of the person's employment or official duties;
- 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 by operation of law upon the death of the former owner and is 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.

Exceptions for Temporary Transfer of a Firearm. Additionally, there are further exceptions to the requirements for the temporary transfer of a firearm that include such transfers:

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

Summary of Bill:

The requirements for a sale or transfer of a firearm where neither party is a licensed dealer do not apply to a transfer, gift, loan, sale, or bequest to a museum or historical society, or to museum or

historical society personnel while acting in the scope of their official duties.

If a museum or historical society returns a loaned firearm to the lender, the museum or historical society must comply with the requirements for a transfer of a firearm.

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.