

# SENATE BILL REPORT

## SSB 5436

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As Passed Senate, March 2, 2023

**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., Dozier and Fortunato).

**Brief History:**

**Committee Activity:** Law & Justice: 2/14/23, 2/16/23 [DPS].

**Floor Activity:** Passed Senate: 3/2/23, 49-0.

**Brief Summary of First Substitute Bill**

- Exempts a transfer, loan, gift, or bequest of firearms to a museum or historical society from background check requirements applicable to the sale or transfer of firearms.
- Requires a museum or historical society which is returning a loaned firearm to its lender to complete the transfer through a licensed dealer.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

**Staff:** Kevin Black (786-7747)

**Background:** State law requires all firearm sales or transfers to be subject to a background check unless specifically exempted by state or federal law, including sales and transfers

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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.*

through a licensed dealer, at gun shows, online, and between unlicensed persons. Transfers or sales between unlicensed persons must be completed through a licensed dealer.

A list of situations are exempted from this background check requirement, including transfers involving immediate family members, law enforcement, licensed gunsmiths for the purpose of repair, antique firearms, and temporary transfers to prevent imminent death or great bodily harm.

**Summary of First Substitute Bill:** Background check requirements applicable to the sale or transfer of firearms shall not apply to a transfer, loan, gift, or bequest to a museum or historical society, or the return of loaned firearms to its lender from a museum or historical society, or to museum personnel while acting in the scope of their official duties. The museum or historical society which is returning a loaned firearm to its lender must complete the transfer through 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 Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Museums display historical artifacts for the preservation of our past culture and history. Sometimes they display firearms that were once serviceable. I could not find any instances of the use of firearms displayed in museums for bad purposes, although they have been stolen, but only for their historical value. Museums should receive equitable treatment with theatrical performing arts groups and be able to receive transfers of firearms without undergoing the background check process. It is not possible to run a background check on a corporation, so museums have been disqualified from receiving firearm transfers. The sponsor of the background check initiative reviewed this legislation and expressed no concerns. Museums have used firearms to illustrate Washington State's engagements in conflicts, industrial change, and in honoring our veterans. Help us continue to preserve this aspect of state history. Sometimes service revolvers are the only way to tell the story of veterans who are no longer with us.

**Persons Testifying:** PRO: Senator Jeff Wilson, Prime Sponsor; Joseph Govednik, Washington Museum Association, Cowlitz County Historical Society Director; Bradley Richardson.

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