
HOUSE BILL 1533

State of Washington

64th Legislature

2015 Regular Session

By Representatives Van Werven, Hurst, Buys, Takko, Vick, Scott, Shea, Condotta, Dent, G. Hunt, Wilson, Caldier, Holy, Blake, Kirby, Griffey, Rodne, Moscoso, MacEwen, Zeiger, Sawyer, Hayes, Orwall, Hargrove, Haler, Ryu, Johnson, Wylie, McBride, Young, Parker, and Magendanz

Read first time 01/22/15. Referred to Committee on Judiciary.

1 AN ACT Relating to exempting the transfer of a firearm donated to
2 a historical society or museum for temporary exhibition and the
3 transfer of the firearm back to the donor from the background check
4 requirement; and amending RCW 9.41.---

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9.41.--- and 2015 c 1 s 3 (Initiative Measure No.
7 594) are each amended to read as follows:

8 (1) All firearm sales or transfers, in whole or part in this
9 state including without limitation a sale or transfer where either
10 the purchaser or seller or transferee or transferor is in Washington,
11 shall be subject to background checks unless specifically exempted by
12 state or federal law. The background check requirement applies to all
13 sales or transfers including, but not limited to, sales and transfers
14 through a licensed dealer, at gun shows, online, and between
15 unlicensed persons.

16 (2) No person shall sell or transfer a firearm unless:

17 (a) The person is a licensed dealer;

18 (b) The purchaser or transferee is a licensed dealer; or

19 (c) The requirements of subsection (3) of this section are met.

1 (3) Where neither party to a prospective firearms transaction is
2 a licensed dealer, the parties to the transaction shall complete the
3 sale or transfer through a licensed dealer as follows:

4 (a) The seller or transferor shall deliver the firearm to a
5 licensed dealer to process the sale or transfer as if it is selling
6 or transferring the firearm from its inventory to the purchaser or
7 transferee, except that the unlicensed seller or transferor may
8 remove the firearm from the business premises of the licensed dealer
9 while the background check is being conducted. If the seller or
10 transferor removes the firearm from the business premises of the
11 licensed dealer while the background check is being conducted, the
12 purchaser or transferee and the seller or transferor shall return to
13 the business premises of the licensed dealer and the seller or
14 transferor shall again deliver the firearm to the licensed dealer
15 prior to completing the sale or transfer.

16 (b) Except as provided in (a) of this subsection, the licensed
17 dealer shall comply with all requirements of federal and state law
18 that would apply if the licensed dealer were selling or transferring
19 the firearm from its inventory to the purchaser or transferee,
20 including but not limited to conducting a background check on the
21 prospective purchaser or transferee in accordance with federal and
22 state law requirements and fulfilling all federal and state
23 recordkeeping requirements.

24 (c) The purchaser or transferee must complete, sign, and submit
25 all federal, state, and local forms necessary to process the required
26 background check to the licensed dealer conducting the background
27 check.

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

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

34 (4) This section does not apply to:

35 (a) A transfer between immediate family members, which for this
36 subsection shall be limited to spouses, domestic partners, parents,
37 children, siblings, grandparents, grandchildren, nieces, nephews,
38 first cousins, aunts, and uncles, that is a bona fide gift;

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

1 (c) The transfer of a firearm (i) from any person or organization
2 to a recognized historical society or museum for the temporary
3 exhibition of the firearm and (ii) from the historical society or
4 museum back to the person or organization from which it received the
5 firearm;

6 (d) A temporary transfer of possession of a firearm if such
7 transfer is necessary to prevent imminent death or great bodily harm
8 to the person to whom the firearm is transferred if:

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

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

13 ~~((d))~~ (e) Any law enforcement or corrections agency and, to the
14 extent the person is acting within the course and scope of his or her
15 employment or official duties, any law enforcement or corrections
16 officer, United States marshal, member of the armed forces of the
17 United States or the national guard, or federal official;

18 ~~((e))~~ (f) A federally licensed gunsmith who receives a firearm
19 solely for the purposes of service or repair, or the return of the
20 firearm to its owner by the federally licensed gunsmith;

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

1 (~~(g)~~) (h) A person who (i) acquired a firearm other than a
2 pistol by operation of law upon the death of the former owner of the
3 firearm or (ii) acquired a pistol by operation of law upon the death
4 of the former owner of the pistol within the preceding sixty days. At
5 the end of the sixty-day period, the person must either have lawfully
6 transferred the pistol or must have contacted the department of
7 licensing to notify the department that he or she has possession of
8 the pistol and intends to retain possession of the pistol, in
9 compliance with all federal and state laws.

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