
SUBSTITUTE SENATE BILL 5579

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dammeier, Roach, Becker, Padden, Conway, Hobbs, Angel, Honeyford, Pearson, Sheldon, and Hatfield)

1 AN ACT Relating to exempting certain firearms transfers involving
2 licensed security guards from background check requirements; and
3 amending RCW 9.41.113.

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

5 **Sec. 1.** RCW 9.41.113 and 2015 c 1 s 3 (Initiative Measure No.
6 594) are each amended to read as follows:

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

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

16 (a) The person is a licensed dealer;

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

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

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

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

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

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

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

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

31 (4) This section does not apply to:

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

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

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

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

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

5 (d) Any law enforcement or corrections agency and, to the extent
6 the person is acting within the course and scope of his or her
7 employment or official duties, any law enforcement or corrections
8 officer, United States marshal, member of the armed forces of the
9 United States or the national guard, or federal official;

10 (e) A federally licensed gunsmith who receives a firearm solely
11 for the purposes of service or repair, or the return of the firearm
12 to its owner by the federally licensed gunsmith;

13 (f) A transfer of a firearm between private security guards
14 licensed under chapter 18.170 RCW, a transfer of a firearm between
15 the owner of the firearm and a private security guard licensed under
16 chapter 18.170 RCW, or a transfer of a firearm between a person being
17 trained to be a licensed security guard under the supervision of a
18 certified firearms instructor;

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

39 ~~((g))~~ (h) A person who (i) acquired a firearm other than a
40 pistol by operation of law upon the death of the former owner of the

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

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