



THURSTON COUNTY SHERIFF'S OFFICE

WASHINGTON
SINCE 1852

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TO: Citizens of Thurston County
FROM: John D. Snaza, Sheriff
DATE: January 15, 2015
RE: Initiative 594 (I-594)

Our agency has started receiving inquiries in reference I-594 from citizens wanting to know the provisions, rules, implementation, and enforcement of this new law. As your Sheriff it is important to me that we share the limited information that has been provided to law enforcement on this issue, so that you can be as informed as possible. Our agency has received various and mixed information about I-594 which has raised several questions and concerns for our citizens. It is my hope that the below information will assist in answering some of those questions and concerns.

The passage of I-594 has made a significant impact on firearm transfers. This law requires individuals to conduct firearm transfers through a licensed firearms dealer. The enforcement effort of the Thurston County Sheriff's Office is **not** to turn law abiding citizens, who are legal gun owners, into lawbreakers. The enforcement policy of our office will be to thoroughly investigate those cases reported to our office and file a case with the Thurston County Prosecutor's Office when appropriate.

As I have expressed from early on with this initiative and now law, I am a strong proponent of the Second Amendment and each of these cases will be considered in regards to the spirit of the law.

"People First; Public Safety Always"

SUMMARY OF PROVISIONS OF I-594

WHAT IS A "FIREARM"?*

A "firearm" is a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. This includes tools such as a concrete nailer that is gas or powder-actuated.

*I-594 did not change the definition of a firearm.

WHO IS SUBJECT TO BACKGROUND CHECKS UNDER I-594?

All purchasers or transferees of firearms are subject to background checks unless the purchase or transfer is specifically exempted by state or federal law.

WHICH SALES AND TRANSFERS ARE SUBJECT TO I-594?

All sales or transfers occurring in whole or in part in Washington State, including sales and transfers through dealers, at gun shows, online, and between unlicensed persons, are subject to the background check requirements of I-594.

WHAT IS A TRANSFER?

A "transfer" means the intended delivery of a firearm to another person without payment or promise of payment, including gifts and loans. This includes a "temporary" transfer (including the handling of a firearm for inspection, consideration of purchasing, stocking of store shelves, etc.).

HOW MUST A SALE OR TRANSFER BE ACCOMPLISHED UNDER I-594?

Any sale or transfer of a firearm where neither party is a licensed firearms dealer must be completed through a licensed firearms dealer in compliance with the following requirements:

1. The seller or transferor must physically deliver the firearm to the dealer. The seller or transferor may remove the firearm from the dealer's premises while the background check is being conducted, but the firearm must be physically delivered back to the dealer prior to the completion of the transaction.
2. The purchaser or transferee must complete, sign and submit all federal, state, and local forms needed for processing the background check.
3. The dealer must process the transaction in the same manner as he/she would in a sale or transfer of a firearm from his/her inventory. The dealer must comply with all applicable federal and state laws.
4. If the purchaser or transferee is ineligible to possess a firearm, the transaction cannot proceed and the dealer must return the firearm to the seller or transferor.

5. The dealer may charge a fee for facilitating a sale or transfer that reflects the fair market value of the administrative costs incurred.

WHAT TIMING REQUIREMENTS APPLY TO A PURCHASE OR TRANSFER UNDER I-594?

A dealer may not deliver a firearm to a purchaser or transferee until the earlier of:

1. The completion of all required background checks if the purchaser or transferee is not ineligible under federal or state law to possess a firearm; or
2. Ten (10) business days have passed since the dealer requested the background check, except this period is sixty (60) calendar days for a pistol transfer if the purchaser or transferee does not have a valid Washington state driver's license or identification card or has not been a resident for the previous ninety (90) days.

ARE ANY TRANSACTIONS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT?

The following transactions are exempt from the background check requirements established by I-594:

1. Bona fide gifts between immediate family members, which is limited to spouses, domestic partners, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles;
2. Sales or transfer of "antique" firearms, as that term is defined by applicable law;
3. Sales or transfers by or to law enforcement and corrections agencies, and to the extent the person is acting within the course and scope of his or her employment or official duties, law enforcement and corrections officers, active members of the military, and federal officials;
4. Receipt of a firearm by a federally licensed gunsmith only if the firearm is received for purposes of service or repair.

ARE ANY TEMPORARY TRANSFERS EXEMPT?

The temporary transfer of a firearm is exempt when:

- a. Necessary to prevent imminent death or great bodily harm to the transferee, if the transfer lasts only as long as needed and the transferee is not prohibited from possessing firearms by applicable law;
- b. It is between spouses or domestic partners;
- c. It occurs at an established shooting range authorized by the local governing body and the firearm is kept at all times at the range;
- d. It occurs at a lawful organized firearm competition or performance and the firearm is possessed exclusively at the competition or performance;
- e. It is to a person under eighteen (18) years of age for lawful hunting, sporting, or educational purposes while under the direct supervision of a responsible adult; or
- f. It occurs while legally hunting if the transferee has completed all required training, holds all required licenses or permits, and is not prohibited from possessing a firearm.

WHAT IF THE FIREARM IS INHERITED?

Acquisition of a firearm, other than a pistol, by inheritance is exempt.

In the case of acquisition of a pistol by inheritance, the transfer is exempt for the sixty (60) days following the transfer by operation of inheritance. However, upon the expiration of the sixty (60) day period, the person must either have lawfully transferred the pistol or must have contacted the Washington Department of Licensing to notify that department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws.

WHAT ARE THE PENALTIES FOR VIOLATING THE NEW LAW?

A person who knowingly violates the background check requirements is guilty of a gross misdemeanor for a first offense and of a Class C felony for each subsequent offense.

Each firearm sold or transferred in violation of the background check requirements is a separate offense.

A Class C felony conviction for this offense is included in the definition of "serious offense" for purposes of the crime of unlawful possession of firearms.

WHAT ABOUT THE SALES TAX ON SALES OR TRANSFERS OF FIREARMS?

The retail sales tax does not apply to the sale or transfer of a firearm between two unlicensed persons if they have complied with all required background checks.

DOES THE DEALER HAVE TO COLLECT THE USE TAX ON THE TRANSACTION?

Keeps the requirement for firearms dealers to collect sales or use tax from the transferee on interstate firearms transfers by a licensed dealer.