



WASHINGTON ALLIANCE
FOR GUN RESPONSIBILITY

FREQUENTLY ASKED QUESTIONS: 594 & CRIMINAL BACKGROUND CHECKS

ABOUT 594

Q: What is Initiative 594?

A: Initiative 594 is an initiative to the legislature requiring criminal background checks for all gun sales and transfers. 594 is very simple: it makes sure everyone buying a gun in Washington State passes the same background check, no matter where they buy the gun and no matter whom they buy it from.

Right now, licensed gun dealers – like Fred Meyer, Cabela’s or Big 5 - do background checks for every gun they sell. But criminals and anyone prohibited from buying a gun easily bypass this by purchasing from a private seller with no questions asked. Initiative 594 closes this loophole by requiring that private sales and transfers — including at gun shows or over the internet — go through the same background check as licensed gun dealer sales.

Q: What is the official title?

A: The official title is:

Initiative Measure No. 594 concerns background checks for firearm sales and transfers.

This measure would apply the currently used criminal and public safety background checks by licensed dealers to all firearm sales and transfers, including gun show and online sales, with specific exceptions.

Should this measure be enacted into law? Yes [] No []

Q: Where can I read the whole thing?

A: You can find the entire initiative on the back of the signature petition or on the Washington Secretary of State's website.

Q: Who is sponsoring the initiative?

A: The Washington Alliance for Gun Responsibility. The alliance is a coalition of concerned citizens working to reduce gun violence and promote gun responsibility in Washington State. Find out more at wagunresponsibility.org

WHY WE NEED BACKGROUND CHECKS FOR ALL GUN SALES

Q: Why do you support criminal background checks for all gun sales and transfers?

A: Eight out of ten Washingtonians support background checks. Background checks are vital to public safety because they stop felons, domestic abusers, the seriously mentally ill, and other dangerous people from buying guns.

The National Instant Criminal Background Check System (NICS) has blocked over 2 million gun sales to people prohibited from possessing guns. But the current system has a gaping loophole that criminals exploit. Prohibited purchasers can easily avoid background checks by buying firearms from unlicensed "private sellers" — often at gun shows or through anonymous online transactions. An estimated 6.6 million guns were transferred in 2012 without a federal background check, accounting for roughly 40 percent of all gun sales.

Q: Do dangerous people obtain guns through private sales?

A: Yes. A survey of prisoners who committed crimes with handguns found that nearly 80 percent of them got those guns through private transfers. And undercover investigations have shown that 62 percent of private online sellers are willing to sell a gun to someone who admitted he probably couldn't pass a background check. Many prohibited purchasers are evading background checks by acquiring guns through private channels. This is a serious problem.

BACKGROUND CHECKS REDUCE CRIME & SAVE LIVES

Q: Background checks didn't stop the shooters at Tucson, Aurora, Newtown or in our local tragedies. Why burden private sellers if checks won't stop mass shooters?

A: Since its 1998 creation, the background check system has blocked more than 2 million gun sales to people prohibited from buying them. Imagine all the crimes that have been prevented in our communities because those 2 million guns were not sold to dangerous people. And imagine how many more we can prevent if we require background checks for all sales.

All we are asking is for private sellers to go to a dealer to complete a background check. It's fast and simple. And it could save lives.

Q: Do background checks reduce crime?

A: There is abundant evidence that background checks reduce crime and save lives. Fourteen states and Washington, DC, go beyond federal law and require a background check for private handgun sales. Compared to the rest of the country:

- Gun trafficking in these states is 48 percent lower.
- The rate at which women are killed with a gun by an intimate partner is 38 percent lower (while the rate at which they are killed by other means is the same).
- The gun suicide rate is 49 percent lower.

Q: Don't criminals just buy their guns on the black market?

A: Background checks block sales to people prohibited from buying them. It's true that some criminals attempt to avoid background checks - which is exactly why we need a law to make it harder to evade the system. Right now, anyone can simply find a private seller online, at a gun show, or in a classified ad, and purchase a gun with no questions asked. 594 closes off these channels to criminals. Some may look for guns on the black market but research shows this expensive and risky:

- Criminals report paying \$250 to \$400 on the black market for guns valued at only \$50 to \$100 in the legal market, the quality of firearms is uncertain, and entering into an illegal deal poses substantial risk of harm or arrest.
- A study of black market gun dealers found that more than one in three attempts to purchase a gun on the black market ended in failure.

- 594 gives law enforcement another tool to crack down on the gun traffickers and criminals who sell guns on the black market and flood our streets with illegal guns.

Q: How will background checks help stop gun traffickers and other gun criminals?

A: 594 closes the private sales loophole traffickers use to purchase guns today. And it gives law enforcement a powerful new tool to prosecute straw purchasers who transfer guns to traffickers or criminals without performing a background check.

HOW 594 WILL WORK

Q: How will private sellers conduct background checks?

A: Private sellers will conduct background checks through licensed dealers using the same system those dealers use every day for their gun sales. It's that simple.

Q: Are there any exceptions to the background check requirement?

A: Yes. Initiative 594 provides for several common sense exceptions to the background check requirements, including:

- Gifts between immediate family members
- Antiques and relics
- Temporary transfers for self-defense
- Loans for lawful hunting or sporting activities

Q: Will youth hunting regulations be affected?

A: No. Initiative 594 makes no changes to any hunting laws.

Q: Are background checks required if friends are using each other's guns while target shooting together?

A: No. This is not a transfer and does not require a background check.

Q: How will these checks affect law-abiding citizens?

A: The rights of law-abiding gun owners will not be affected. They will still be able to buy the same guns they can buy today. They'll simply have to pass a background check -- the same check they would have to pass if they bought the gun from Fred Meyer or any licensed dealer.

Q: Will people be forced to travel long distances to get a background check at a dealer?

A: Getting to a gun dealer may be more convenient than getting to a post office. As of January 2013, there are twice as many licensed gun dealers in Washington as there are US post offices. And 98% of Washingtonians live within 10 miles of a dealer.

Q: What can dealers charge?

A: 594 requires dealers set a fee that reflects the fair market value of the administrative costs.

Q: Will licensed dealers be required to conduct background checks for private sales?

A: No, dealers are not required to participate. But dealers that conduct background checks for private sales stand to gain new customers and increased revenue through additional sales of popular accessories and incidentals such as ammunition and safety equipment.

RECORD KEEPING

Q: Will background checks create a national registry of gun owners?

A: No. The federal government is legally prohibited from creating a registry of any kind. 594 simply applies the current background check processes and sales records requirements to private sales and transfers. Under that system, background checks submitted to NICS are destroyed within 24 hours. For forty years, gun buyers have been required to fill out a Form 4473, certifying that they are not prohibited from purchasing a gun. For forty years, dealers have been creating and retaining records of those sales. Those records are held by close to 60,000 licensees across the country. They are not stored centrally, and they do not compromise the privacy of law-abiding gun owners.

Q: Why do we need to keep sales records? Isn't it running the checks good enough?

A: Sales records serve two important purposes. First, they make the background check requirement enforceable: If police can't demand evidence of a check, they can't enforce the requirement to do them. A background check without a record would effectively create an honor system affecting only law-abiding citizens and allowing criminals to continue buying guns freely. Second, sales records make it possible for law enforcement officers who recover guns in violent crimes to investigate the chain of custody, to figure out who bought the gun and when it was bought. And by establishing the chain of custody, those records also protect law-abiding gun owners from liability for crimes committed with guns no longer in their possession.