SUPPORT OF UNIVERSAL BACKGROUND CHECKS

WHEREAS, the King County Bar Association’s mission includes promoting a just legal system, advancing excellence in the administration of justice, benefiting the community through its efforts, and speaking out on matters of public policy; and

WHEREAS, Chapter 9.41 of the Revised Code of Washington (Firearms and Dangerous Weapons), among other things, prohibits possession of firearms by individuals convicted or found not guilty by reason of insanity or a serious offense, as defined in the Chapter, or certain crimes committed against family or household members, as enumerated in the Chapter, and persons previously involuntarily committed for mental health treatment pursuant to procedures outlined in Chapters 71.05 (Mental Illness) and 10.77 (Criminally Insane - Procedures) of the Code; and

WHEREAS, Washington law and Federal law currently require background checks only for sales or transfers by licensed firearms dealers; and

WHEREAS, an estimated forty percent of gun sales and transfers are from unlicensed sellers, and thus are not subject to background check requirements; and

WHEREAS, Initiative 594, scheduled to be on the ballot in 2014, would require all firearm sales and transfers occurring, in whole or in part, in Washington, including sales at gun shows and online sales, subject to enumerated exceptions, to be subject to the same background check already required for sales of firearms by licensed firearms dealers, prior to such sales or transfers; and

WHEREAS, Initiative 591, scheduled to be on the ballot in 2014, prohibits any government agency of the State of Washington from confiscating guns or other firearms from citizens of the state without due process and makes it unlawful for any government agency of the state to require any background checks on the recipient of a firearm, including, without limitation, by means of a private sale or transfer, unless a uniform national standard is required; and

WHEREAS, Initiative 591 cedes to Congress and Federal regulators exclusive control over laws and regulations concerning the background checks, if any, to be conducted in connection with sales and transfers of firearms in Washington, which background checks are intended to promote public safety in the state by aiding prevention of sales and transfers of firearms to those individuals who are prohibited by Chapter 9.41 of the Code from possessing a firearm; and

WHEREAS, Initiative 591, by implication, suggests that guns and other firearms may be confiscated from citizens of Washington without due process, which is not an accurate reflection of existing Washington law or Federal law, pursuant to which citizens of the state are already afforded the protections of due process in connection with the confiscation of guns and other firearms.

THEREFORE BE IT RESOLVED that the King County Bar Association supports the expansion of those background checks already required for sales of firearms by licensed firearms dealers in Washington to all private sales and transfers of guns and other firearms occurring, in whole or in part, in the state in order to promote public safety in the state by aiding prevention of firearms sales and transfers to
individuals that are prohibited by Chapter 9.41 of the Revised Code of Washington from possessing a firearm.

RESOLVED FURTHER that the King County Bar Association supports the power of the people of Washington to regulate their own affairs, consistent with Federal law, including, without further limitation, the power to regulate the possession, sale, and transfer of guns and other firearms in the state in order to, among other things, promote public safety and, including within that power, the power to require background checks in connection with all sales and transfers of guns and other firearms.

RESOLVED FURTHER that the King County Bar Association supports the adoption of Initiative 594, cited herein, and opposes the adoption of Initiative 591, cited herein.

Recommended by the Public Policy Committee, 12/9/13