KCBA Considers Call for Universal Gun Background Checks

By Andrew Prazuch

Survey Seeks Member Input

At its December meeting, the Board of Trustees considered a resolution calling for universal background checks for all gun sales in Washington. While the proposal has been unanimously approved by the bar’s Public Policy Committee, the Board temporarily delayed final consideration and instead asked me to share information about this issue with the membership before proceeding.

With each issue, the Committee spends months hearing from proponents and opponents of the measure, organizing educational forums and bringing policy recommendations to the Board. The Board may choose to act based on its own sense of what position the membership might favor or it may choose to solicit feedback from the membership before proceeding.

Consideration of the current gun safety issue by KCBA began when lobbyists for the Washington Alliance for Gun Responsibility, supporters of Initiative 594, attended a meeting of the Public Policy Committee and explained the goals and compromises behind I-594 and the reasons for taking the initiative to the citizens versus lobbying the Legislature. Committee members also met with the leader of the Citizens Committee for the Right to Keep and Bear Arms to learn more about a competing ballot measure, Initiative 591.

I-594 would expand the requirement of background checks for the sale and purchase of firearms in Washington by licensed dealers to include the sale and transfer of firearms by private sellers. Currently, background checks are only required when an individual purchases a firearm from a licensed dealer, whereas sales and transfers by a private seller, whether in person, at a gun show or online, do not require a background check.

I-594 expands the existing background check requirements to include private sales and transfers. Proponents point to data showing that an estimated 40 percent of gun sales and transfers involve unlicensed dealers and thus are not subject to any background checks.

Opponents of I-594 point to anecdotal evidence that background checks do not prevent — or, more precisely, would not have prevented — certain crimes involving firearms, including the mass shootings at Sandy Hook and Virginia Tech. Opponents also point to anecdotal evidence that the database used to conduct background checks is both over-inclusive and under-inclusive.

This is due, at least in part, to a lack of cooperation by certain states in populating, updating and otherwise maintaining the database.

Finally, although opponents of I-594 concede that lists of firearms purchases and transfers are not maintained in any central location and that there is little or no risk of such records being misused by government authorities, they continue to express fear of a universal registry of firearms.

While I-594 is a detailed 18-page document, the alternative I-591 is but a single page. It broadly seeks to prohibit any government agency of the State of Washington from requiring 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. I-591 also would make it unlawful for any state agency to confiscate guns or other firearms without due process.

Opponents of I-591 note that Congress failed to adopt universal background checks in the aftermath of the Sandy Hook tragedy, despite the fact that universal background checks are supported by 90 percent of U.S. voters. Committee members expressed concern that I-591 would prevent the Legislature and the citizenry from taking reasonable steps to enforce existing laws intended to promote public safety.

After reviewing the detailed materials and background information provided by the Public Policy Committee, the Board of Trustees began its own deliberations about the proposed resolution. While many board members expressed their strong support for the unanimous recommendation by the Public Policy Committee, other board members raised questions about whether the specific issue of gun safety involves unlicensed dealers and thus are not subject to any background checks. Board agreed to pause before taking action so that the membership could become aware of the pending issue and have an opportunity to express its thoughts.

As noted above, a short member survey is now available online at www.kcba.org/gunsafety for those members who wish to express a position to the Board. The survey will remain open until January 31. In addition, the proposed resolution, text of the competing initiatives and background materials are included on the webpage. The Board welcomes your feedback.

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By Andrew Prazuch

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Some background about KCBA’s process for considering these types of issues may be helpful. KCBA’s Public Policy Committee is charged with reviewing issues of interest to members of the bar, conducting analysis and education events, and, when related to KCBA’s mission, recommending possible positions to the Board of Trustees. In recent years, the Committee has explored issues ranging from abolition of the death penalty to whether the county should recognize immigrant detainees requests from the federal government.

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Andrew Prazuch is KCBA’s executive director. He can be reached by email (andrewp@kcba.org) or phone (206-267-7061).