The Myths of I594
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Newspaper editorial boards and media coverage of 594 continue to divert the purpose and effect of this anti-civil rights measure. The media regularly portrays 594 as a background check on firearm sales which it is not; it is much more. And there is an effective media blackout on press releases and position statements that are opposed to 594. The public, even the shooting public, does not yet realize what this initiative will do if passed. Use the facts presented here (the quotes included below are directly from the text of I594) to inform your friends and family, even your local newspapers and local political leaders, of the true impact of this measure.

Myth #1—594 requires background checks only for gun sales.
Reality—594 “would extend criminal...background checks to all guns sales or transfers.” Every single time that a transfer occurs a background check through an FFL is required. “Transfer means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans.”

Myth #2— Failing to do the 594 paperwork on, for example, the loan of a firearm to another must be a minor violation like a traffic violation, right?
Reality—594 re-writes Washington law to make transfer violations the equivalent of RCW “serious offenses” such as rape, drive by shootings and vehicular homicide. The 594 class C felony conviction for failing to do the transfer paperwork will result in the loss of your civil rights, including the loss of the right to vote and possess firearms. 594 is written to make a class C felony conviction equivalent to other legally defined “serious” class B felonies. And if you remain in possession of any firearms after conviction of a 594 felony, then you may be charged with a separate possession felony for each firearm owned; the sentences for felony possession are consecutive. 594 is specifically intended to imprison those who transfer firearms without an FFL and to confiscate their firearms. Violations are not civil infractions as you might imagine, they are serious crimes. The first violation is a gross misdemeanor and, if convicted, then subsequent violations are class C felonies.

Myth #3—Gifts of a firearm are exempted.
Reality—Not true—gifts are specifically included in the definition of transfers requiring a dealer and registration of the firearm. Only gifts to immediate family members are exempted.

Myth #4—A person can loan a firearm, without going through a dealer, to another as long as it is returned to him.
Reality—Transfers are defined by 594 to include any loan of a firearm—any temporary loan of a firearm, no matter how short the time, without FFL dealer paperwork would be a crime.

Myth #5—594 is primarily a gun show law requiring background checks at shows.
Reality—594 regulates all transfers “between unlicensed persons.” All citizens are unlicensed persons and must transfer firearms through an FFL whether the transfer occurs in their homes, at the firing range, or at any other location. The WAC already background checks members before allowing them to engage in firearm transactions.

Myth #6—I can hand my firearm off to my friend for some minor repair without doing all the transfer paperwork, after all I will get my own firearm back.
Reality—You and your friend will both have committed crimes if you make this transfer without an FFL dealer for the transfers in both directions; this is two separate transfers as defined by 594.

Myth #7—My gun club can continue to offer firearm safety training with our member instructors providing the firearms for use by the trainees.
Reality—Probably not—there is an exception but it states that the, “firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located.” Since the 594 language very clearly states that the firearm must be kept at all times at the range it is unlikely that this exception allows temporary transfers without an FFL.

Myth #8—Coaching of shooters which includes the handing back and forth of a firearm is exempt from 594.
Reality—594 contains an exception which may allow transfer to a person under age 18 for “educational purposes...while under the direct supervision and control of a responsible adult....” This exception would not permit transfer during adult classes such as women’s handgun classes, adult hunter education, other types of training, or range orientation training. While classes for children may continue, the majority of adult training is effectively banned because the transfer requirements cannot be met in a training environment. Private firearms trainers and law enforcement instructors who train the public can probably not avoid 594 violations.

Myth #9—I can loan a hunting rifle to a friend during hunting season.
Reality—No you absolutely cannot. There is an exception that would allow you to hand your rifle to another licensed hunter “while hunting” but this only applies during the actual hunt if both hunters are present and
Myth #10—I keep a rifle in my truck and occasionally allow my daughter to drive this vehicle on our property—this can’t be a crime?
Reality—Unless you are in the truck with your minor child, this is a transfer requiring an FFL dealer at two points. There is a transfer when she departs with the truck and when she returns it to you—possession equals transfer under 594.

Myth #11—My son and I go to the range to shoot trap—we take only my shotgun because he can’t afford one; surely we can share the shotgun.
Reality—If your son is a minor and you supervise him then you can share, but, oddly, if your son is over age 18 then these transfers would be illegal. 594 appears intended to entrap entire families with these nonsense violations.

Myth #12—My children have both hunted since they were young and have the required hunter education training and licenses. They have always used my firearms and they are free to choose the one that best fits the game. Can I continue to allow them to use my rifles and shotguns during hunting season?
Reality—No, both you and your children will be committing a 594 crime if they use your firearms during hunting season without your “direct supervision.” This means that you must be present, able to see and contact the child you are supervising.

Myth #13—Our local high school has a trapshooting team in which my daughter competes with my rather expensive shotgun. This must be okay.
Reality—Yet another trap for you and your daughter. You will both commit criminal violations each and every time that she takes the shotgun to practice. There is an exception that would allow you to bring the shotgun to a competition and transfer it to your daughter, but this does not apply to practice, only to “organized competition.” And if a firearm is transferred to her at a competition, it must be transferred back at that same location.

Myth #14—I have a concealed pistol license; this must exempt me from the requirements since I have already received a thorough background check.
Reality—Your CPL has no value in firearms transfers under 594 and all of the transfer requirements still apply to you.

Myth #15—The waiting period of five days for non-CPL transfers remains unchanged.
Reality—The waiting period is now 10 days.

Myth #16—My brother and I are both shooters and collectors. We often sell firearms to each other. I understand that these family transfers are exempt from 594 provisions.
Reality—Absolutely not! While there is an exception for “bona fide gifts” within and among family members, it does not apply to sales. You and your brother will be multiple violators.

Myth #17—594 advertises that private transfers are exempt from sales tax, at least this is a good thing.
Reality—Private property transactions are subject to use tax, not retail sales tax. Again, it appears that 594 proponents are creating a smokescreen in an attempt to make 594 appear reasonable. 594 amends only RCW 82.08 which regulates retail sales and businesses. There is no exemption in 594 that would prevent the Department of Revenue from collecting use tax and they will have access to the records that will allow them to do so.

Myth #18—My brother-in-law is a police officer and he says that he is exempt from 594.
Reality—The 594 law enforcement exception is only valid while on-duty. It does not apply to private purchases even if the firearm will be used on-duty (backup guns and patrol rifles are often personally purchased and these transfers must follow all 594 laws). Law enforcement officers are more likely than citizens to violate 594 because they own, trade and maintain many firearms. Every officer should read “In Harms Way” published in the August GunNews.

Myth #19—I have heard 594 people stating that this is not a firearm registration law.
Reality—594 requires that every transfer be reported to the Department of Licensing, and while the requirements imposed on DOL are not clear, it seems that all firearm transfers are reported to DOL thus creating a registry of all firearms owners.

Myth #20—This is a minor expansion of existing background check law and will not cost much.
Reality—594 does not just apply to sales, rather it applies to all transfers. We know that there are thousands of non-exempt transfers that take place each week during hunting, recreational shooting, coaching, practice and firearm maintenance. We must assume that every one of these transfers will be reported to DOL and that they will maintain records as required. Assuming full public compliance with the broad reaching language of 594 there will be millions of new records created annually. The burden on DOL will be staggering and it is unfunded. New buildings, computers, and personnel will be required. We know from DOL's own testimony before legislative committee that they are approximately six months behind on new handgun registrations. It is most likely that DOL will never be able to meet the requirements of 594.

Myth #21—The transfer of a firearm through a dealer won’t cost me much.
We don't know what the cost will be as it is not capped within 594. Currently most dealers charge between $30 and $50 per transaction.

**Myth #22—594 is worth voting for if it catches criminals attempting to purchase firearms.**

Reality—594 does not impact criminal access to firearms. This is already illegal and criminals will not use legal transfers to obtain firearms; rather they steal them and buy on the street. 594 only affects the law-abiding firearm owner and will make criminals of many innocent people.

**Myth #23—We have to do something to stop the mentally ill from purchasing firearms!**

Reality—We all agree, but 594 contains not a single provision that will allow closer scrutiny of those who are mentally ill, or drug-impaired. Instead 594 is targeted at responsible citizens.

**Myth #24—I’m an FFL dealer and 594 will be good for me and my business.**

Reality—It may be impossible for a Federal Firearms Licensee to follow both Federal and State law and rules. 594 requires that the seller, "shall deliver the firearms to a licensed dealer to process...the transfer as if it is...transferring the firearm from its inventory." 594 instructs the FFL dealer to handle the transfer "as if it is selling or transferring the firearm from its inventory...", but then also allows the seller, who still owns the firearm, to leave with the firearm. The reality is that an FFL dealer may lose his license if he allows an item in his inventory to leave the premises. Furthermore, 594 states that if the intended buyer, "...is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller...." Again, the Federal rules prohibit the release of an item in inventory unless a background check and all paperwork are completed and approved. In other words, the seller must be subjected to and pay for a background check just to receive the return of his own firearm in the case of a failed sale. FFL dealers will be faced with the choice to follow State law or Federal law.

Because 594 is intended to create a huge new market for FFL services, it is likely that new “dealers” will enter the market with the intent to process firearm transfers. This proliferation of FFL dealers is most likely to negatively affect storefront firearm retailers. Predictably the new non-stocking “transferring dealers” will undercut FFL transfer fees and reduce profitability.

**Myth #25—The answer to 594 is for every club, school and range to have an FFL dealer “on duty.”**

Reality—even this extreme accommodation will likely not work. FFL dealers can conduct transfers only at their place of business or a bona fide gun show. There is no such thing as a roving FFL dealer who can perform the background checks required for all transfers under 594. It is conceivable that a gun club could obtain an FFL for their premises, but the paperwork required to legitimize all the transfers that would take place is daunting and expensive. It appears there is no legal way to conduct FFL transfers on private property, while hunting, while shooting on public land or in any of the other situations in which the transfer is temporary, or a loan.

**Myth #26—The changes in 594 are the only way to background check gun buyers.**

Reality—There are efficient and (to some of us) acceptable ways to background check gun buyers. The Concealed Pistol License can be upgraded to a background check document that would serve as a transfer document; then all those with a CPL, who have already been backgrounded and fingerprinted, could use this license to effect lawful transfers. Or a firearm purchase card could be created as it has been in some states; again, this would pre-background firearm transferors and allow law enforcement to conduct background checks and fingerprints in a timely manner before this is needed for a transfer. The insertion of FFL requirements into private transactions which include all transfers, not just sales, is actually the least efficient, clumsiest, most expensive and burdensome method of backgrounding firearm purchasers.

594 is not designed to keep guns from criminals or reduce crime; it is intended to create overwhelming obstacles to the private possession and use of firearms. 594 targets recreational shooters, competitors, hobbyists and collectors.

The passage of 591 is the only answer to this the evils of 594.