

WDFW Frequently Asked Questions (FAQ):
Initiative 594 as it Relates to Hunting
May 5, 2015

1. What is Initiative 594 (I-594)?

- I-594 is an initiative approved by the voters on November 4, 2014, concerning criminal safety and background checks for gun sales and transfers. Most of I-594's requirements are codified in state law at RCW 9.41.

2. What was the intent of I-594?

- Section 1 of the initiative recognizes that felons, persons convicted of domestic violence crimes, and persons dangerously mentally ill (as determined by a court) should not be able to possess guns. The intent of the initiative was to strengthen criminal and public safety background check requirements to ensure guns are not purchased or transferred to those who are prohibited from possessing them, and to reduce illegal gun trafficking.
- Section 3 of I-594 (9.41.113) requires sales and transfers of firearms to be made through a licensed dealer following a background check, unless an exemption applies.

3. What is meant by “direct supervision and control of a responsible adult” in I-594?

- I-594 exempts from the background check requirement the temporary transfer of a firearm to a person who is under eighteen years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms. The initiative does not define “direct supervision and control of a responsible adult.” WDFW believes that direct supervision would require that the responsible adult be physically present and oversee the actions of the person under 18, during the period in which the temporary transfer of the firearm is in effect.

4. Is a temporary transfer of a firearm at a shooting range subject to I-594's background check requirement?

- No. Section 3(4)(f) of the initiative (RCW 9.41.113(4)(f)) exempts from the background check requirement a temporary transfer that occurs at an established shooting range authorized by the governing body of the jurisdiction in which the range is located, if the firearm is kept at the range at all relevant times. The firearm needs to be at the shooting range only during the period of the temporary transfer for the exemption to apply. It needn't be housed there permanently. Moreover, the shooting range exemption applies regardless of the age of the persons involved.

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5. What is “an established shooting range authorized by the governing body of the jurisdiction in which the range is located?”

- The initiative’s requirement that a shooting range be “established” in order for the exemption to apply likely requires that the shooting range includes some infrastructure or facilities, or some formal action to indicate that the person or entity who owns or controls the property intended to authorize its use as a shooting range. In contrast, areas on WDFW property that include no constructed indicia of authorization, but where no regulation would specifically prohibit use as a shooting area, would not constitute an “established shooting range” under the initiative.
- The requirement that the shooting range be “authorized by the governing body of the jurisdiction in which the range is located” requires that if the shooting range is on government property, that the responsible governmental entity has authorized such use. Further, it requires that the shooting range (whether on governmental property or private property) operate consistent with applicable local land use requirements and that any required local permits have been obtained.

6. What is the geographic scope of the exemption for “an established shooting range?” Does it include only those areas where the firearms are actually fired?

- The geographic scope of the exemption for “an established shooting range” would include areas where the firearms are actually fired, as well as any associated infrastructure on the property where such firearms would ordinarily be handled or stored, such as firearm safes or lockers, classrooms, etc.

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7. Does Initiative 594's background check requirement apply to handoffs of firearms to or between hunters?

- It would depend on the specific circumstances of the handoff. To begin with, WDFW does not believe that short term handoffs of a firearm where the recipient is not allowed to fully control or use the firearm qualify as “transfers” within the meaning of I-594. So, for example, where one hunter temporarily hands a gun to a companion so that he or she can climb over an obstruction and then promptly receives the gun back, WDFW does not believe that would qualify as a transfer.

- For handoffs that *are* transfers, Initiative 594 contains two exemptions that may apply to hunters. Both are set forth in section 3(4)(f) (RCW 9.41.113(4)(f)).

- The first exempts the temporary transfer of a firearm to a person under 18 “for lawful hunting . . . while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms.” “Direct supervision and control” is discussed above in response to FAQ # 3, above.

- The second exemption for hunters applies to the temporary transfer of firearms “while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting . . . [and] the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law.”

- Transfers to hunters who are 18 and older are only exempt if they take place while engaged in hunting, and only if the firearm is possessed by the transferee solely in locations where hunting is permissible. Transfers to persons *under* 18, in contrast, needn't occur “while hunting,” and the firearm may be possessed in areas where hunting is not legal, so long as the transfer is for the purpose of lawful hunting and the transferee is under the direct supervision and control of a responsible adult.