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ENGROSSED HOUSE BILL 1465

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Goodman, Jenkins, and Santos

Read first time 01/22/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to requirements for pistol sales or transfers;  
2 amending RCW 9.41.090; adding a new section to chapter 43.43 RCW;  
3 providing an effective date; providing a contingent expiration date;  
4 and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read  
7 as follows:

8 (1) In addition to the other requirements of this chapter, no  
9 dealer may deliver a pistol to the purchaser thereof until:

10 (a) ~~((The purchaser produces a valid concealed pistol license and  
11 the dealer has recorded the purchaser's name, license number, and  
12 issuing agency, such record to be made in triplicate and processed as  
13 provided in subsection (6) of this section. For purposes of this  
14 subsection (1)(a), a "valid concealed pistol license" does not  
15 include a temporary emergency license, and does not include any  
16 license issued before July 1, 1996, unless the issuing agency  
17 conducted a records search for disqualifying crimes under RCW  
18 9.41.070 at the time of issuance;~~

19 ~~(b))~~) The dealer is notified in writing by (i) the chief of  
20 police or the sheriff of the jurisdiction in which the purchaser  
21 resides that the purchaser is eligible to possess a pistol under RCW

1 9.41.040 and that the application to purchase is approved by the  
2 chief of police or sheriff; or (ii) the state that the purchaser is  
3 eligible to possess a firearm under RCW 9.41.040, as provided in  
4 subsection (3)(b) of this section; or

5 ~~((e))~~ (b) The requirements or time periods in RCW 9.41.092 have  
6 been satisfied.

7 (2) In addition to the other requirements of this chapter, no  
8 dealer may deliver a semiautomatic assault rifle to the purchaser  
9 thereof until:

10 (a) The purchaser provides proof that he or she has completed a  
11 recognized firearm safety training program within the last five years  
12 that, at a minimum, includes instruction on:

13 (i) Basic firearms safety rules;

14 (ii) Firearms and children, including secure gun storage and  
15 talking to children about gun safety;

16 (iii) Firearms and suicide prevention;

17 (iv) Secure gun storage to prevent unauthorized access and use;

18 (v) Safe handling of firearms; and

19 (vi) State and federal firearms laws, including prohibited  
20 firearms transfers.

21 The training must be sponsored by a federal, state, county, or  
22 municipal law enforcement agency, a college or university, a  
23 nationally recognized organization that customarily offers firearms  
24 training, or a firearms training school with instructors certified by  
25 a nationally recognized organization that customarily offers firearms  
26 training. The proof of training shall be in the form of a  
27 certification that states under the penalty of perjury the training  
28 included the minimum requirements; and

29 (b) The dealer is notified in writing by (i) the chief of police  
30 or the sheriff of the jurisdiction in which the purchaser resides  
31 that the purchaser is eligible to possess a firearm under  
32 RCW 9.41.040 and that the application to purchase is approved by the  
33 chief of police or sheriff; or (ii) the state that the purchaser is  
34 eligible to possess a firearm under RCW 9.41.040, as provided in  
35 subsection (3)(b) of this section; or

36 (c) The requirements or time periods in RCW 9.41.092 have been  
37 satisfied.

38 (3)(a) Except as provided in (b) of this subsection, in  
39 determining whether the purchaser meets the requirements of RCW  
40 9.41.040, the chief of police or sheriff, or the designee of either,

1 shall check with the (~~national crime information center, including~~  
2 ~~the~~) national instant criminal background check system, provided for  
3 by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et  
4 seq.), the Washington state patrol electronic database, the health  
5 care authority electronic database, and with other agencies or  
6 resources as appropriate, to determine whether the applicant is  
7 ineligible under RCW 9.41.040 to possess a firearm.

8 (b) The state, through the legislature or initiative process, may  
9 enact a statewide firearms background check system equivalent to, or  
10 more comprehensive than, the check required by (a) of this subsection  
11 to determine that a purchaser is eligible to possess a firearm under  
12 RCW 9.41.040. Once a state system is established, a dealer shall use  
13 the state system and national instant criminal background check  
14 system, provided for by the Brady handgun violence prevention act (18  
15 U.S.C. Sec. 921 et seq.), to make criminal background checks of  
16 applicants to purchase firearms.

17 (4) In any case under this section where the applicant has an  
18 outstanding warrant for his or her arrest from any court of competent  
19 jurisdiction for a felony or misdemeanor, the dealer shall hold the  
20 delivery of the pistol or semiautomatic assault rifle until the  
21 warrant for arrest is served and satisfied by appropriate court  
22 appearance. The local jurisdiction for purposes of the sale, or the  
23 state pursuant to subsection (3)(b) of this section, shall confirm  
24 the existence of outstanding warrants within seventy-two hours after  
25 notification of the application to purchase a pistol or semiautomatic  
26 assault rifle is received. The local jurisdiction shall also  
27 immediately confirm the satisfaction of the warrant on request of the  
28 dealer so that the hold may be released if the warrant was for an  
29 offense other than an offense making a person ineligible under RCW  
30 9.41.040 to possess a firearm.

31 (5) In any case where the chief or sheriff of the local  
32 jurisdiction, or the state pursuant to subsection (3)(b) of this  
33 section, has reasonable grounds based on the following circumstances:

34 (a) Open criminal charges, (b) pending criminal proceedings, (c)  
35 pending commitment proceedings, (d) an outstanding warrant for an  
36 offense making a person ineligible under RCW 9.41.040 to possess a  
37 firearm, or (e) an arrest for an offense making a person ineligible  
38 under RCW 9.41.040 to possess a firearm, if the records of  
39 disposition have not yet been reported or entered sufficiently to  
40 determine eligibility to purchase a firearm, the local jurisdiction

1 or the state may hold the sale and delivery of the pistol or  
2 semiautomatic assault rifle up to thirty days in order to confirm  
3 existing records in this state or elsewhere. After thirty days, the  
4 hold will be lifted unless an extension of the thirty days is  
5 approved by a local district court, superior court, or municipal  
6 court for good cause shown. A dealer shall be notified of each hold  
7 placed on the sale by local law enforcement or the state and of any  
8 application to the court for additional hold period to confirm  
9 records or confirm the identity of the applicant.

10 (6) (a) At the time of applying for the purchase of a pistol or  
11 semiautomatic assault rifle, the purchaser shall sign in triplicate  
12 and deliver to the dealer an application containing:

13 (i) His or her full name, residential address, date and place of  
14 birth, race, and gender;

15 (ii) The date and hour of the application;

16 (iii) The applicant's driver's license number or state  
17 identification card number;

18 (iv) A description of the pistol or semiautomatic assault rifle  
19 including the make, model, caliber and manufacturer's number if  
20 available at the time of applying for the purchase of a pistol or  
21 semiautomatic assault rifle. If the manufacturer's number is not  
22 available at the time of applying for the purchase of a pistol or  
23 semiautomatic assault rifle, the application may be processed, but  
24 delivery of the pistol or semiautomatic assault rifle to the  
25 purchaser may not occur unless the manufacturer's number is recorded  
26 on the application by the dealer and transmitted to the chief of  
27 police of the municipality or the sheriff of the county in which the  
28 purchaser resides, or the state pursuant to subsection (3) (b) of this  
29 section;

30 (v) A statement that the purchaser is eligible to purchase and  
31 possess a firearm under state and federal law; and

32 (vi) If purchasing a semiautomatic assault rifle, a statement by  
33 the applicant under penalty of perjury that the applicant has  
34 completed a recognized firearm safety training program within the  
35 last five years, as required by subsection (2) of this section.

36 (b) The application shall contain two warnings substantially  
37 stated as follows:

38 (i) CAUTION: Although state and local laws do not differ, federal  
39 law and state law on the possession of firearms differ. If you are

1 prohibited by federal law from possessing a firearm, you may be  
2 prosecuted in federal court. State permission to purchase a firearm  
3 is not a defense to a federal prosecution; and

4 (ii) CAUTION: The presence of a firearm in the home has been  
5 associated with an increased risk of death to self and others,  
6 including an increased risk of suicide, death during domestic  
7 violence incidents, and unintentional deaths to children and others.

8 The purchaser shall be given a copy of the department of fish and  
9 wildlife pamphlet on the legal limits of the use of firearms and  
10 firearms safety.

11 (c) The dealer shall, by the end of the business day, sign and  
12 attach his or her address and deliver a copy of the application and  
13 such other documentation as required under subsections (1) and (2) of  
14 this section to the chief of police of the municipality or the  
15 sheriff of the county of which the purchaser is a resident, or the  
16 state pursuant to subsection (3)(b) of this section. The triplicate  
17 shall be retained by the dealer for six years. The dealer shall  
18 deliver the pistol or semiautomatic assault rifle to the purchaser  
19 following the period of time specified in this chapter unless the  
20 dealer is notified of an investigative hold under subsection (5) of  
21 this section in writing by the chief of police of the municipality,  
22 the sheriff of the county, or the state, whichever is applicable, or  
23 of the denial of the purchaser's application to purchase and the  
24 grounds thereof. The application shall not be denied unless the  
25 purchaser is not eligible to purchase or possess the firearm under  
26 state or federal law.

27 (d) The chief of police of the municipality or the sheriff of the  
28 county, or the state pursuant to subsection (3)(b) of this section,  
29 shall retain or destroy applications to purchase a pistol or  
30 semiautomatic assault rifle in accordance with the requirements of 18  
31 U.S.C. Sec. 922.

32 (7)(a) To help offset the administrative costs of implementing  
33 this section as it relates to new requirements for semiautomatic  
34 assault rifles, the department of licensing may require the dealer to  
35 charge each semiautomatic assault rifle purchaser or transferee a fee  
36 not to exceed twenty-five dollars, except that the fee may be  
37 adjusted at the beginning of each biennium to levels not to exceed  
38 the percentage increase in the consumer price index for all urban

1 consumers, CPI-W, or a successor index, for the previous biennium as  
2 calculated by the United States department of labor.

3 (b) The fee under (a) of this subsection shall be no more than is  
4 necessary to fund the following:

5 (i) The state for the cost of meeting its obligations under this  
6 section;

7 (ii) The health care authority, mental health institutions, and  
8 other health care facilities for state-mandated costs resulting from  
9 the reporting requirements imposed by RCW 9.41.097(1); and

10 (iii) Local law enforcement agencies for state-mandated local  
11 costs resulting from the requirements set forth under RCW 9.41.090  
12 and this section.

13 (8) A person who knowingly makes a false statement regarding  
14 identity or eligibility requirements on the application to purchase a  
15 firearm is guilty of false swearing under RCW 9A.72.040.

16 (9) This section does not apply to sales to licensed dealers for  
17 resale or to the sale of antique firearms.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43  
19 RCW to read as follows:

20 (1) Section 1 of this act expires six months after the date on  
21 which the Washington state patrol determines that a single point of  
22 contact firearm background check system, for purposes of the federal  
23 Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.),  
24 is operational in the state.

25 (2) The Washington state patrol must provide written notice of  
26 the expiration of section 1 of this act to the chief clerk of the  
27 house of representatives, the secretary of the senate, the office of  
28 the code reviser, and others as deemed appropriate by the Washington  
29 state patrol.

30 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of  
32 the state government and its existing public institutions, and takes  
33 effect July 1, 2019.

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