
ENGROSSED SUBSTITUTE SENATE BILL 5985

State of Washington

68th Legislature

2024 Regular Session

By Senate Law & Justice (originally sponsored by Senators Hansen, Dhingra, Frame, Hasegawa, Hunt, Kuderer, Lias, Lovick, Nguyen, Pedersen, Stanford, Trudeau, Valdez, Wellman, and C. Wilson; by request of Washington State Patrol)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to the firearms background check program;
2 amending RCW 9.41.049, 9.41.111, 9.41.114, 9.41.350, 43.43.823, and
3 43.43.580; reenacting and amending RCW 9.41.010; and providing a
4 contingent effective date.

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

6 **Sec. 1.** RCW 9.41.010 and 2023 c 295 s 2, 2023 c 262 s 1, and
7 2023 c 162 s 2 are each reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Antique firearm" means a firearm or replica of a firearm not
11 designed or redesigned for using rim fire or conventional center fire
12 ignition with fixed ammunition and manufactured in or before 1898,
13 including any matchlock, flintlock, percussion cap, or similar type
14 of ignition system and also any firearm using fixed ammunition
15 manufactured in or before 1898, for which ammunition is no longer
16 manufactured in the United States and is not readily available in the
17 ordinary channels of commercial trade.

18 (2)(a) "Assault weapon" means:

19 (i) Any of the following specific firearms regardless of which
20 company produced and manufactured the firearm:

1	AK-47 in all forms
2	AK-74 in all forms
3	Algimec AGM-1 type semiautomatic
4	American Arms Spectre da semiautomatic carbine
5	AR15, M16, or M4 in all forms
6	AR 180 type semiautomatic
7	Argentine L.S.R. semiautomatic
8	Australian Automatic
9	Auto-Ordnance Thompson M1 and 1927 semiautomatics
10	Barrett .50 cal light semiautomatic
11	Barrett .50 cal M87
12	Barrett .50 cal M107A1
13	Barrett REC7
14	Beretta AR70/S70 type semiautomatic
15	Bushmaster Carbon 15
16	Bushmaster ACR
17	Bushmaster XM-15
18	Bushmaster MOE
19	Calico models M100 and M900
20	CETME Sporter
21	CIS SR 88 type semiautomatic
22	Colt CAR 15
23	Daewoo K-1
24	Daewoo K-2
25	Dragunov semiautomatic
26	Fabrique Nationale FAL in all forms
27	Fabrique Nationale F2000
28	Fabrique Nationale L1A1 Sporter
29	Fabrique Nationale M249S
30	Fabrique Nationale PS90
31	Fabrique Nationale SCAR
32	FAMAS .223 semiautomatic

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Galil
Heckler & Koch G3 in all forms
Heckler & Koch HK-41/91
Heckler & Koch HK-43/93
Heckler & Koch HK94A2/3
Heckler & Koch MP-5 in all forms
Heckler & Koch PSG-1
Heckler & Koch SL8
Heckler & Koch UMP
Manchester Arms Commando MK-45
Manchester Arms MK-9
SAR-4800
SIG AMT SG510 in all forms
SIG SG550 in all forms
SKS
Spectre M4
Springfield Armory BM-59
Springfield Armory G3
Springfield Armory SAR-8
Springfield Armory SAR-48
Springfield Armory SAR-3
Springfield Armory M-21 sniper
Springfield Armory M1A
Smith & Wesson M&P 15
Sterling Mk 1
Sterling Mk 6/7
Steyr AUG
TNW M230
FAMAS F11
Uzi 9mm carbine/rifle

31 (ii) A semiautomatic rifle that has an overall length of less
32 than 30 inches;

1 (iii) A conversion kit, part, or combination of parts, from which
2 an assault weapon can be assembled or from which a firearm can be
3 converted into an assault weapon if those parts are in the possession
4 or under the control of the same person; or

5 (iv) A semiautomatic, center fire rifle that has the capacity to
6 accept a detachable magazine and has one or more of the following:

7 (A) A grip that is independent or detached from the stock that
8 protrudes conspicuously beneath the action of the weapon. The
9 addition of a fin attaching the grip to the stock does not exempt the
10 grip if it otherwise resembles the grip found on a pistol;

11 (B) Thumbhole stock;

12 (C) Folding or telescoping stock;

13 (D) Forward pistol, vertical, angled, or other grip designed for
14 use by the nonfiring hand to improve control;

15 (E) Flash suppressor, flash guard, flash eliminator, flash hider,
16 sound suppressor, silencer, or any item designed to reduce the visual
17 or audio signature of the firearm;

18 (F) Muzzle brake, recoil compensator, or any item designed to be
19 affixed to the barrel to reduce recoil or muzzle rise;

20 (G) Threaded barrel designed to attach a flash suppressor, sound
21 suppressor, muzzle break, or similar item;

22 (H) Grenade launcher or flare launcher; or

23 (I) A shroud that encircles either all or part of the barrel
24 designed to shield the bearer's hand from heat, except a solid
25 forearm of a stock that covers only the bottom of the barrel;

26 (v) A semiautomatic, center fire rifle that has a fixed magazine
27 with the capacity to accept more than 10 rounds;

28 (vi) A semiautomatic pistol that has the capacity to accept a
29 detachable magazine and has one or more of the following:

30 (A) A threaded barrel, capable of accepting a flash suppressor,
31 forward handgrip, or silencer;

32 (B) A second hand grip;

33 (C) A shroud that encircles either all or part of the barrel
34 designed to shield the bearer's hand from heat, except a solid
35 forearm of a stock that covers only the bottom of the barrel; or

36 (D) The capacity to accept a detachable magazine at some location
37 outside of the pistol grip;

38 (vii) A semiautomatic shotgun that has any of the following:

39 (A) A folding or telescoping stock;

1 (B) A grip that is independent or detached from the stock that
2 protrudes conspicuously beneath the action of the weapon. The
3 addition of a fin attaching the grip to the stock does not exempt the
4 grip if it otherwise resembles the grip found on a pistol;

5 (C) A thumbhole stock;

6 (D) A forward pistol, vertical, angled, or other grip designed
7 for use by the nonfiring hand to improve control;

8 (E) A fixed magazine in excess of seven rounds; or

9 (F) A revolving cylinder shotgun.

10 (b) For the purposes of this subsection, "fixed magazine" means
11 an ammunition feeding device contained in, or permanently attached
12 to, a firearm in such a manner that the device cannot be removed
13 without disassembly of the firearm action.

14 (c) "Assault weapon" does not include antique firearms, any
15 firearm that has been made permanently inoperable, or any firearm
16 that is manually operated by bolt, pump, lever, or slide action.

17 (3) "Assemble" means to fit together component parts.

18 (4) "Barrel length" means the distance from the bolt face of a
19 closed action down the length of the axis of the bore to the crown of
20 the muzzle, or in the case of a barrel with attachments to the end of
21 any legal device permanently attached to the end of the muzzle.

22 (5) "Bump-fire stock" means a butt stock designed to be attached
23 to a semiautomatic firearm with the effect of increasing the rate of
24 fire achievable with the semiautomatic firearm to that of a fully
25 automatic firearm by using the energy from the recoil of the firearm
26 to generate reciprocating action that facilitates repeated activation
27 of the trigger.

28 (6) "Conviction" or "convicted" means, whether in an adult court
29 or adjudicated in a juvenile court, that a plea of guilty has been
30 accepted or a verdict of guilty has been filed, or a finding of guilt
31 has been entered, notwithstanding the pendency of any future
32 proceedings including, but not limited to, sentencing or disposition,
33 posttrial or post-fact-finding motions, and appeals. "Conviction"
34 includes a dismissal entered after a period of probation, suspension,
35 or deferral of sentence, and also includes equivalent dispositions by
36 courts in jurisdictions other than Washington state.

37 (7) "Crime of violence" means:

38 (a) Any of the following felonies, as now existing or hereafter
39 amended: Any felony defined under any law as a class A felony or an
40 attempt to commit a class A felony, criminal solicitation of or

1 criminal conspiracy to commit a class A felony, manslaughter in the
2 first degree, manslaughter in the second degree, indecent liberties
3 if committed by forcible compulsion, kidnapping in the second degree,
4 arson in the second degree, assault in the second degree, assault of
5 a child in the second degree, extortion in the first degree, burglary
6 in the second degree, residential burglary, and robbery in the second
7 degree;

8 (b) Any conviction for a felony offense in effect at any time
9 prior to June 6, 1996, which is comparable to a felony classified as
10 a crime of violence in (a) of this subsection; and

11 (c) Any federal or out-of-state conviction for an offense
12 comparable to a felony classified as a crime of violence under (a) or
13 (b) of this subsection.

14 (8) "Curio or relic" has the same meaning as provided in 27
15 C.F.R. Sec. 478.11.

16 (9) "Dealer" means a person engaged in the business of selling
17 firearms at wholesale or retail who has, or is required to have, a
18 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
19 does not have, and is not required to have, a federal firearms
20 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
21 makes only occasional sales, exchanges, or purchases of firearms for
22 the enhancement of a personal collection or for a hobby, or sells all
23 or part of his or her personal collection of firearms.

24 (10) "Detachable magazine" means an ammunition feeding device
25 that can be loaded or unloaded while detached from a firearm and
26 readily inserted into a firearm.

27 (11) "Distribute" means to give out, provide, make available, or
28 deliver a firearm or large capacity magazine to any person in this
29 state, with or without consideration, whether the distributor is in-
30 state or out-of-state. "Distribute" includes, but is not limited to,
31 filling orders placed in this state, online or otherwise.
32 "Distribute" also includes causing a firearm or large capacity
33 magazine to be delivered in this state.

34 (12) "Domestic violence" has the same meaning as provided in RCW
35 10.99.020.

36 (13) "Family or household member" has the same meaning as in RCW
37 7.105.010.

38 (14) "Federal firearms dealer" means a licensed dealer as defined
39 in 18 U.S.C. Sec. 921(a)(11).

1 (15) "Federal firearms importer" means a licensed importer as
2 defined in 18 U.S.C. Sec. 921(a)(9).

3 (16) "Federal firearms manufacturer" means a licensed
4 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

5 (17) "Felony" means any felony offense under the laws of this
6 state or any federal or out-of-state offense comparable to a felony
7 offense under the laws of this state.

8 (18) "Felony firearm offender" means a person who has previously
9 been convicted or found not guilty by reason of insanity in this
10 state of any felony firearm offense. A person is not a felony firearm
11 offender under this chapter if any and all qualifying offenses have
12 been the subject of an expungement, pardon, annulment, certificate,
13 or rehabilitation, or other equivalent procedure based on a finding
14 of the rehabilitation of the person convicted or a pardon, annulment,
15 or other equivalent procedure based on a finding of innocence.

16 (19) "Felony firearm offense" means:

17 (a) Any felony offense that is a violation of this chapter;

18 (b) A violation of RCW 9A.36.045;

19 (c) A violation of RCW 9A.56.300;

20 (d) A violation of RCW 9A.56.310;

21 (e) Any felony offense if the offender was armed with a firearm
22 in the commission of the offense.

23 (20) "Firearm" means a weapon or device from which a projectile
24 or projectiles may be fired by an explosive such as gunpowder. For
25 the purposes of RCW 9.41.040, "firearm" also includes frames and
26 receivers. "Firearm" does not include a flare gun or other
27 pyrotechnic visual distress signaling device, or a powder-actuated
28 tool or other device designed solely to be used for construction
29 purposes.

30 (21)(a) "Frame or receiver" means a part of a firearm that, when
31 the complete firearm is assembled, is visible from the exterior and
32 provides housing or a structure designed to hold or integrate one or
33 more fire control components, even if pins or other attachments are
34 required to connect the fire control components. Any such part
35 identified with a serial number shall be presumed, absent an official
36 determination by the bureau of alcohol, tobacco, firearms, and
37 explosives or other reliable evidence to the contrary, to be a frame
38 or receiver.

39 (b) For purposes of this subsection, "fire control component"
40 means a component necessary for the firearm to initiate, complete, or

1 continue the firing sequence, including any of the following: Hammer,
2 bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing
3 pin, striker, or slide rails.

4 (22) "Gun" has the same meaning as firearm.

5 (23) "Import" means to move, transport, or receive an item from a
6 place outside the territorial limits of the state of Washington to a
7 place inside the territorial limits of the state of Washington.
8 "Import" does not mean situations where an individual possesses a
9 large capacity magazine or assault weapon when departing from, and
10 returning to, Washington state, so long as the individual is
11 returning to Washington in possession of the same large capacity
12 magazine or assault weapon the individual transported out of state.

13 (24) "Intimate partner" has the same meaning as provided in RCW
14 7.105.010.

15 (25) "Large capacity magazine" means an ammunition feeding device
16 with the capacity to accept more than 10 rounds of ammunition, or any
17 conversion kit, part, or combination of parts, from which such a
18 device can be assembled if those parts are in possession of or under
19 the control of the same person, but shall not be construed to include
20 any of the following:

21 (a) An ammunition feeding device that has been permanently
22 altered so that it cannot accommodate more than 10 rounds of
23 ammunition;

24 (b) A 22 caliber tube ammunition feeding device; or

25 (c) A tubular magazine that is contained in a lever-action
26 firearm.

27 (26) "Law enforcement officer" includes a general authority
28 Washington peace officer as defined in RCW 10.93.020, or a specially
29 commissioned Washington peace officer as defined in RCW 10.93.020.
30 "Law enforcement officer" also includes a limited authority
31 Washington peace officer as defined in RCW 10.93.020 if such officer
32 is duly authorized by his or her employer to carry a concealed
33 pistol.

34 (27) "Lawful permanent resident" has the same meaning afforded a
35 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
36 1101(a)(20).

37 (28) "Licensed collector" means a person who is federally
38 licensed under 18 U.S.C. Sec. 923(b).

39 (29) "Licensed dealer" means a person who is federally licensed
40 under 18 U.S.C. Sec. 923(a).

- 1 (30) "Loaded" means:
- 2 (a) There is a cartridge in the chamber of the firearm;
- 3 (b) Cartridges are in a clip that is locked in place in the
4 firearm;
- 5 (c) There is a cartridge in the cylinder of the firearm, if the
6 firearm is a revolver;
- 7 (d) There is a cartridge in the tube or magazine that is inserted
8 in the action; or
- 9 (e) There is a ball in the barrel and the firearm is capped or
10 primed if the firearm is a muzzle loader.
- 11 (31) "Machine gun" means any firearm known as a machine gun,
12 mechanical rifle, submachine gun, or any other mechanism or
13 instrument not requiring that the trigger be pressed for each shot
14 and having a reservoir clip, disc, drum, belt, or other separable
15 mechanical device for storing, carrying, or supplying ammunition
16 which can be loaded into the firearm, mechanism, or instrument, and
17 fired therefrom at the rate of five or more shots per second.
- 18 (32) "Manufacture" means, with respect to a firearm or large
19 capacity magazine, the fabrication, making, formation, production, or
20 construction of a firearm or large capacity magazine, by manual labor
21 or by machinery.
- 22 (33) "Mental health professional" means a psychiatrist,
23 psychologist, or physician assistant working with a supervising
24 psychiatrist, psychiatric advanced registered nurse practitioner,
25 psychiatric nurse, social worker, mental health counselor, marriage
26 and family therapist, or such other mental health professionals as
27 may be defined in statute or by rules adopted by the department of
28 health pursuant to the provisions of chapter 71.05 RCW.
- 29 (34) "Nonimmigrant alien" means a person defined as such in 8
30 U.S.C. Sec. 1101(a)(15).
- 31 (35) "Person" means any individual, corporation, company,
32 association, firm, partnership, club, organization, society, joint
33 stock company, or other legal entity.
- 34 (36) "Pistol" means any firearm with a barrel less than 16 inches
35 in length, or is designed to be held and fired by the use of a single
36 hand.
- 37 (37) "Rifle" means a weapon designed or redesigned, made or
38 remade, and intended to be fired from the shoulder and designed or
39 redesigned, made or remade, and intended to use the energy of the

1 explosive in a fixed metallic cartridge to fire only a single
2 projectile through a rifled bore for each single pull of the trigger.

3 (38) "Sale" and "sell" mean the actual approval of the delivery
4 of a firearm in consideration of payment or promise of payment.

5 (39) "Secure gun storage" means:

6 (a) A locked box, gun safe, or other secure locked storage space
7 that is designed to prevent unauthorized use or discharge of a
8 firearm; and

9 (b) The act of keeping an unloaded firearm stored by such means.

10 (40) "Semiautomatic" means any firearm which utilizes a portion
11 of the energy of a firing cartridge to extract the fired cartridge
12 case and chamber the next round, and which requires a separate pull
13 of the trigger to fire each cartridge.

14 (41)(a) "Semiautomatic assault rifle" means any rifle which
15 utilizes a portion of the energy of a firing cartridge to extract the
16 fired cartridge case and chamber the next round, and which requires a
17 separate pull of the trigger to fire each cartridge.

18 (b) "Semiautomatic assault rifle" does not include antique
19 firearms, any firearm that has been made permanently inoperable, or
20 any firearm that is manually operated by bolt, pump, lever, or slide
21 action.

22 (42) "Serious offense" means any of the following felonies or a
23 felony attempt to commit any of the following felonies, as now
24 existing or hereafter amended:

25 (a) Any crime of violence;

26 (b) Any felony violation of the uniform controlled substances
27 act, chapter 69.50 RCW, that is classified as a class B felony or
28 that has a maximum term of imprisonment of at least 10 years;

29 (c) Child molestation in the second degree;

30 (d) Incest when committed against a child under age 14;

31 (e) Indecent liberties;

32 (f) Leading organized crime;

33 (g) Promoting prostitution in the first degree;

34 (h) Rape in the third degree;

35 (i) Drive-by shooting;

36 (j) Sexual exploitation;

37 (k) Vehicular assault, when caused by the operation or driving of
38 a vehicle by a person while under the influence of intoxicating
39 liquor or any drug or by the operation or driving of a vehicle in a
40 reckless manner;

1 (l) Vehicular homicide, when proximately caused by the driving of
2 any vehicle by any person while under the influence of intoxicating
3 liquor or any drug as defined by RCW 46.61.502, or by the operation
4 of any vehicle in a reckless manner;

5 (m) Any other class B felony offense with a finding of sexual
6 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

7 (n) Any other felony with a deadly weapon verdict under RCW
8 9.94A.825;

9 (o) Any felony offense in effect at any time prior to June 6,
10 1996, that is comparable to a serious offense, or any federal or out-
11 of-state conviction for an offense that under the laws of this state
12 would be a felony classified as a serious offense;

13 (p) Any felony conviction under RCW 9.41.115; or

14 (q) Any felony charged under RCW 46.61.502(6) or 46.61.504(6).

15 (43) "Sex offense" has the same meaning as provided in RCW
16 9.94A.030.

17 (44) "Short-barreled rifle" means a rifle having one or more
18 barrels less than 16 inches in length and any weapon made from a
19 rifle by any means of modification if such modified weapon has an
20 overall length of less than 26 inches.

21 (45) "Short-barreled shotgun" means a shotgun having one or more
22 barrels less than 18 inches in length and any weapon made from a
23 shotgun by any means of modification if such modified weapon has an
24 overall length of less than 26 inches.

25 (46) "Shotgun" means a weapon with one or more barrels, designed
26 or redesigned, made or remade, and intended to be fired from the
27 shoulder and designed or redesigned, made or remade, and intended to
28 use the energy of the explosive in a fixed shotgun shell to fire
29 through a smooth bore either a number of ball shot or a single
30 projectile for each single pull of the trigger.

31 (47) "Substance use disorder professional" means a person
32 certified under chapter 18.205 RCW.

33 (48) "Transfer" means the intended delivery of a firearm to
34 another person without consideration of payment or promise of payment
35 including, but not limited to, gifts and loans. "Transfer" does not
36 include the delivery of a firearm owned or leased by an entity
37 licensed or qualified to do business in the state of Washington to,
38 or return of such a firearm by, any of that entity's employees or
39 agents, defined to include volunteers participating in an honor
40 guard, for lawful purposes in the ordinary course of business.

1 (49) "Undetectable firearm" means any firearm that is not as
2 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through
3 metal detectors or magnetometers commonly used at airports or any
4 firearm where the barrel, the slide or cylinder, or the frame or
5 receiver of the firearm would not generate an image that accurately
6 depicts the shape of the part when examined by the types of X-ray
7 machines commonly used at airports.

8 (50)(a) "Unfinished frame or receiver" means a frame or receiver
9 that is partially complete, disassembled, or inoperable, that: (i)
10 Has reached a stage in manufacture where it may readily be completed,
11 assembled, converted, or restored to a functional state; or (ii) is
12 marketed or sold to the public to become or be used as the frame or
13 receiver of a functional firearm once finished or completed,
14 including without limitation products marketed or sold to the public
15 as an 80 percent frame or receiver or unfinished frame or receiver.

16 (b) For purposes of this subsection:

17 (i) "Readily" means a process that is fairly or reasonably
18 efficient, quick, and easy, but not necessarily the most efficient,
19 speedy, or easy process. Factors relevant in making this
20 determination, with no single one controlling, include the following:
21 (A) Time, i.e., how long it takes to finish the process; (B) ease,
22 i.e., how difficult it is to do so; (C) expertise, i.e., what
23 knowledge and skills are required; (D) equipment, i.e., what tools
24 are required; (E) availability, i.e., whether additional parts are
25 required, and how easily they can be obtained; (F) expense, i.e., how
26 much it costs; (G) scope, i.e., the extent to which the subject of
27 the process must be changed to finish it; and (H) feasibility, i.e.,
28 whether the process would damage or destroy the subject of the
29 process, or cause it to malfunction.

30 (ii) "Partially complete," as it modifies frame or receiver,
31 means a forging, casting, printing, extrusion, machined body, or
32 similar article that has reached a stage in manufacture where it is
33 clearly identifiable as an unfinished component part of a firearm.

34 (51) "Unlicensed person" means any person who is not a licensed
35 dealer under this chapter.

36 (52) "Untraceable firearm" means any firearm manufactured after
37 July 1, 2019, that is not an antique firearm and that cannot be
38 traced by law enforcement by means of a serial number affixed to the
39 firearm by a federal firearms manufacturer, federal firearms

1 importer, or federal firearms dealer in compliance with all federal
2 laws and regulations.

3 (53) "Washington state patrol firearms background check program"
4 means the division within the state patrol that conducts all firearm
5 transfers and the disposition of firearms.

6 **Sec. 2.** RCW 9.41.049 and 2020 c 302 s 61 are each amended to
7 read as follows:

8 (1) When a designated crisis responder files a petition for
9 initial detention under RCW 71.05.150 or 71.05.153 on the grounds
10 that the person presents a likelihood of serious harm, the petition
11 shall include a copy of the person's driver's license or identicard
12 or comparable information such as their name, address, and date of
13 birth. If the person is not subsequently committed for involuntary
14 treatment under RCW 71.05.240, the court shall forward within three
15 business days of the probable cause hearing a copy of the person's
16 driver's license or identicard, or comparable information, along with
17 the date of release from the facility, to the department of licensing
18 and to the Washington state patrol firearms background check program,
19 who shall forward the information to the national instant criminal
20 background check system index, denied persons file, created by the
21 federal Brady handgun violence prevention act (P.L. 103-159). Upon
22 expiration of the six-month period during which the person's right to
23 possess a firearm is suspended as provided in RCW 71.05.182, the
24 Washington state patrol (~~shall forward to the national instant~~
25 ~~criminal background check system index, denied persons file, notice~~
26 ~~that the person's right to possess a firearm has been restored~~)
27 firearms background check program must remove the person from the
28 national instant criminal background check system.

29 (2) Upon receipt of the information provided for by subsection
30 (1) of this section, the department of licensing shall determine if
31 the detained person has a concealed pistol license. If the person
32 does have a concealed pistol license, the department of licensing
33 shall immediately notify the license-issuing authority, which, upon
34 receipt of such notification, shall immediately suspend the license
35 for a period of six months from the date of the person's release from
36 the facility.

37 (3) A person who is prohibited from possessing a firearm by
38 reason of having been detained under RCW 71.05.150 or 71.05.153 may,
39 upon discharge, petition the superior court to have his or her right

1 to possess a firearm restored before the six-month suspension period
2 has elapsed by following the procedures provided in RCW 9.41.047(3).

3 **Sec. 3.** RCW 9.41.111 and 2020 c 36 s 1 are each amended to read
4 as follows:

5 (1) Beginning on the date that is thirty days after the
6 Washington state patrol issues a notification to dealers that a state
7 firearms background check system is established within the Washington
8 state patrol, a dealer shall use the state firearms background check
9 system to conduct background checks for purchases or transfers of
10 firearm frames or receivers in accordance with this section.

11 (a) A dealer may not deliver a firearm frame or receiver to a
12 purchaser or transferee unless the dealer first conducts a background
13 check of the applicant through the state firearms background check
14 system and the requirements or time periods in RCW 9.41.092 (1) and
15 (2) have been satisfied.

16 (b) When processing an application for the purchase or transfer
17 of a firearm frame or receiver, a dealer shall comply with the
18 application, recordkeeping, and other requirements of this chapter
19 that apply to the sale or transfer of a (~~(pistol)~~) firearm, frame or
20 receiver or semi-automatic assault rifle.

21 (c) A signed application for the purchase or transfer of a
22 firearm frame or receiver shall constitute a waiver of
23 confidentiality and written request that the health care authority,
24 mental health institutions, and other health care facilities release,
25 to an inquiring court, law enforcement agency, or (~~(the state)~~) the
26 Washington state patrol firearms background check program,
27 information relevant to the applicant's eligibility to possess a
28 firearm. Any mental health information received by a court, law
29 enforcement agency, or (~~(the state)~~) the Washington state patrol
30 firearms background check program pursuant to this section shall not
31 be disclosed except as provided in RCW 42.56.240(4).

32 (d) The department of licensing shall keep copies or records of
33 applications for the purchase or transfer of a firearm frame or
34 receiver and copies or records of firearm frame or receiver transfers
35 in the same manner as pistol and semiautomatic assault rifle
36 application and transfer records under RCW 9.41.129.

37 (e) A person who knowingly makes a false statement regarding
38 identity or eligibility requirements on the application to purchase a

1 firearm frame or receiver is guilty of false swearing under RCW
2 9A.72.040.

3 (f) This section does not apply to sales or transfers of firearm
4 frames or receivers to licensed dealers.

5 (2) For the purposes of this section, "firearm frame or receiver"
6 means the federally regulated part of a firearm that provides housing
7 for the hammer, bolt or breechblock, and firing mechanism, and which
8 is usually threaded at its forward portion to receive the barrel.

9 **Sec. 4.** RCW 9.41.114 and 2020 c 28 s 5 are each amended to read
10 as follows:

11 Upon denying an application for the purchase or transfer of a
12 firearm, frame or receiver, or semi-automatic assault rifle as a
13 result of a background check by the Washington state patrol firearms
14 background check program or completed and submitted firearm purchase
15 or transfer application that indicates the applicant is ineligible to
16 possess a firearm, frame or receiver, or semi-automatic assault rifle
17 under state or federal law, the dealer shall:

18 (1) Provide the applicant with a copy of a notice form generated
19 and distributed by the Washington state patrol firearms background
20 check program under RCW 43.43.823(6), informing denied applicants of
21 their right to appeal the denial; and

22 (2) Retain the original records of the attempted purchase or
23 transfer of a firearm for a period not less than six years.

24 **Sec. 5.** RCW 9.41.350 and 2023 c 262 s 3 are each amended to read
25 as follows:

26 (1) A person may file a voluntary waiver of firearm rights,
27 either in writing or electronically, with the clerk of the court in
28 any county in Washington state. The clerk of the court must request a
29 physical or scanned copy of photo identification to verify the
30 person's identity prior to accepting the form. The person filing the
31 form may provide the name of a family member, mental health
32 professional, substance use disorder professional, or alternate
33 person to be contacted if the filer attempts to purchase a firearm
34 while the voluntary waiver of firearm rights is in effect or if the
35 filer applies to have the voluntary waiver revoked. The clerk of the
36 court must immediately give notice to the person filing the form and
37 any listed family member, mental health professional, substance use
38 disorder professional, or alternate person if the filer's voluntary

1 waiver of firearm rights has been accepted. The notice must state
2 that the filer's possession or control of a firearm is unlawful under
3 RCW 9.41.040(7) and that any firearm in the filer's possession or
4 control should be surrendered immediately. By the end of the business
5 day, the clerk of the court must transmit the accepted form to the
6 Washington state patrol firearms background check program. The
7 Washington state patrol firearms background check program must enter
8 the voluntary waiver of firearm rights into the national instant
9 criminal background check system and any other federal or state
10 computer-based systems used by law enforcement agencies or others to
11 identify prohibited purchasers of firearms within twenty-four hours
12 of receipt of the form. Copies and records of the voluntary waiver of
13 firearm rights shall not be disclosed except to law enforcement
14 agencies.

15 (2) A filer of a voluntary waiver of firearm rights may update
16 the contact information for any family member, mental health
17 professional, substance use disorder professional, or alternate
18 person provided under subsection (1) of this section by making an
19 electronic or written request to the clerk of the court in the same
20 county where the voluntary waiver of firearm rights was filed. The
21 clerk of the court must request a physical or scanned copy of photo
22 identification to verify the person's identity prior to updating the
23 contact information on the form. By the end of the business day, the
24 clerk of the court must transmit the updated contact information to
25 the Washington state patrol.

26 (3) No sooner than seven calendar days after filing a voluntary
27 waiver of firearm rights, the person may file a revocation of the
28 voluntary waiver of firearm rights, either in writing or
29 electronically, in the same county where the voluntary waiver of
30 firearm rights was filed. The clerk of the court must request a
31 physical or scanned copy of photo identification to verify the
32 person's identity prior to accepting the form. By the end of the
33 business day, the clerk of the court must transmit the form to the
34 Washington state patrol firearms background check program and to any
35 family member, mental health professional, substance use disorder
36 professional, or alternate person listed on the voluntary waiver of
37 firearm rights. Within seven days of receiving a revocation of a
38 voluntary waiver of firearm rights, the Washington state patrol
39 firearms background check program must remove the person from the
40 national instant criminal background check system, and any other

1 federal or state computer-based systems used by law enforcement
2 agencies or others to identify prohibited purchasers of firearms in
3 which the person was entered, unless the person is otherwise
4 ineligible to possess a firearm under RCW 9.41.040, and destroy all
5 records of the voluntary waiver.

6 (4) A person who knowingly makes a false statement regarding
7 their identity on the voluntary waiver of firearm rights form or
8 revocation of waiver of firearm rights form is guilty of false
9 swearing under RCW 9A.72.040.

10 (5) Neither a voluntary waiver of firearm rights nor a revocation
11 of a voluntary waiver of firearm rights shall be considered by a
12 court in any legal proceeding.

13 (6) A voluntary waiver of firearm rights may not be required of
14 an individual as a condition for receiving employment, benefits, or
15 services.

16 (7) All records obtained and all reports produced, as required by
17 this section, are not subject to disclosure through the public
18 records act under chapter 42.56 RCW.

19 **Sec. 6.** RCW 43.43.823 and 2020 c 28 s 6 are each amended to read
20 as follows:

21 (1) The Washington state patrol firearms background check program
22 shall report each instance where an application for the purchase or
23 transfer of a firearm is denied as the result of a background check
24 that indicates the applicant is ineligible to possess a firearm to
25 the local law enforcement agency in the jurisdiction where the
26 attempted purchase or transfer took place. The reported information
27 must include the identifying information of the applicant, the date
28 of the application and denial of the application, the basis for the
29 denial of the application, and other information deemed appropriate
30 by the Washington state patrol firearms background check program.

31 (2) The Washington state patrol firearms background check program
32 must incorporate the information concerning any person whose
33 application for the purchase or transfer of a firearm is denied as
34 the result of a background check into its electronic database
35 accessible to law enforcement agencies and officers, including
36 federally recognized Indian tribes, that have a connection to the
37 Washington state patrol firearms background check program electronic
38 database.

1 (3) Upon appeal of a background check denial, the Washington
2 state patrol firearms background check program shall immediately
3 remove the record of the person from its electronic database
4 accessible to law enforcement agencies and officers and keep a
5 separate record of the person's information until such time as the
6 appeal has been resolved. If the appeal is denied, the Washington
7 state patrol firearms background check program shall put the person's
8 background check denial information back in its electronic database
9 accessible to law enforcement agencies and officers.

10 (4) Upon receipt of satisfactory proof that a person is no longer
11 ineligible to possess a firearm under state or federal law, the
12 Washington state patrol firearms background check program must remove
13 any record of the person's denied firearms purchase or transfer
14 application from its electronic database accessible to law
15 enforcement agencies and officers.

16 (5) In any case where the purchase or transfer of a firearm is
17 initially denied as the result of a background check that indicates
18 the applicant is ineligible to possess a firearm, but the purchase or
19 transfer is subsequently approved, the Washington state patrol
20 firearms background check program must remove any record of the
21 person's denied firearms purchase or transfer application from its
22 electronic database accessible to law enforcement agencies and
23 officers within five business days and report the subsequent approval
24 to the local law enforcement agency that received notification of the
25 original denial.

26 (6) The Washington state patrol firearms background check program
27 shall generate and distribute a notice form to all firearm dealers,
28 to be provided by the dealers to applicants denied the purchase or
29 transfer of a firearm as a result of a background check that
30 indicates the applicant is ineligible to possess a firearm. The
31 notice form must contain the following statements:

32 State law requires that the Washington state patrol transmit the
33 following information to the local law enforcement agency as a result
34 of your firearm purchase or transfer denial within five days of the
35 denial:

- 36 (a) Identifying information of the applicant;
- 37 (b) The date of the application and denial of the
38 application;
- 39 (c) The basis for the denial; and

1 (d) Other information as determined by the Washington state
2 patrol firearms background check program.

3 If you believe this denial is in error, and you do not exercise
4 your right to appeal, you may be subject to criminal investigation by
5 the Washington state patrol and/or a local law enforcement agency.

6 The notice form shall also contain information directing the
7 applicant to a website describing the process of appealing a
8 background check system denial and refer the applicant to the
9 Washington state patrol firearms background check program for
10 information on a denial based on a state background check. The notice
11 form shall also contain a phone number for a contact at the
12 Washington state patrol to direct the person to resources regarding
13 an individual's right to appeal a background check denial.

14 (7) The Washington state patrol shall provide to the Washington
15 association of sheriffs and police chiefs any information necessary
16 for the administration of the grant program in RCW 36.28A.420,
17 providing notice to a protected person pursuant to RCW 36.28A.410, or
18 preparation of the report required under RCW 36.28A.405.

19 (8) The Washington state patrol may adopt rules as are necessary
20 to carry out the purposes of this section.

21 **Sec. 7.** RCW 43.43.580 and 2022 c 105 s 7 are each amended to
22 read as follows:

23 (1) The Washington state patrol shall establish a firearms
24 background check unit to serve as a centralized single point of
25 contact for dealers to conduct background checks for firearms sales
26 or transfers required under chapter 9.41 RCW and the federal Brady
27 handgun violence prevention act (18 U.S.C. Sec. 921 et seq.). The
28 Washington state patrol shall establish an automated firearms
29 background check system to conduct background checks on applicants
30 for the purchase or transfer of a firearm. The system must include
31 the following characteristics:

32 (a) Allow a dealer to contact the Washington state patrol through
33 a web portal or other electronic means and by telephone to request a
34 background check of an applicant for the purchase or transfer of a
35 firearm;

36 (b) Provide a dealer with a notification that a firearm purchase
37 or transfer application has been received;

38 (c) Assign a unique identifier to the background check inquiry;

1 (d) Provide an automated response to the dealer indicating
2 whether the transfer may proceed or is denied, or that the check is
3 indeterminate and will require further investigation;

4 (e) Include measures to ensure data integrity and the
5 confidentiality and security of all records and data transmitted and
6 received by the system; and

7 (f) Include a performance metrics tracking system to evaluate the
8 performance of the background check system.

9 (2) Upon receipt of a request from a dealer for a background
10 check in connection with the sale or transfer of a firearm, the
11 Washington state patrol shall:

12 (a) Provide the dealer with a notification that a firearm
13 transfer application has been received;

14 (b) Conduct a check of the national instant criminal background
15 check system and the following additional records systems to
16 determine whether the transferee is prohibited from possessing a
17 firearm under state or federal law: (i) The Washington crime
18 information center and Washington state identification system; (ii)
19 the health care authority electronic database; (iii) the federal
20 bureau of investigation national data exchange database and any
21 available repository of statewide local law enforcement record
22 management systems information; (iv) the administrative office of the
23 courts case management system; and (v) other databases or resources
24 as appropriate;

25 (c) Perform an equivalency analysis on criminal charges in
26 foreign jurisdictions to determine if the applicant has been
27 convicted as defined in RCW 9.41.040(3) and if the offense is
28 equivalent to a Washington felony as defined in RCW 9.41.010;

29 (d) Notify the dealer without delay that the records indicate the
30 individual is prohibited from possessing a firearm and the transfer
31 is denied or that the individual is approved to complete the
32 transfer. If the results of the background check are indeterminate,
33 the Washington state patrol shall notify the dealer of the delay and
34 conduct necessary research and investigation to resolve the inquiry;
35 and

36 (e) Provide the dealer with a unique identifier for the inquiry.

37 (3) The Washington state patrol may hold the delivery of a
38 firearm to an applicant under the circumstances provided in RCW
39 9.41.090 (4) and (5).

1 (4) (a) The Washington state patrol shall require a dealer to
2 charge each firearm purchaser or transferee a fee for performing
3 background checks in connection with firearms transfers. The fee must
4 be set at an amount necessary to cover the annual costs of operating
5 and maintaining the firearm background check system but shall not
6 exceed eighteen dollars. The Washington state patrol shall transmit
7 the fees collected to the state treasurer for deposit in the state
8 firearms background check system account created in RCW 43.43.590. It
9 is the intent of the legislature that once the state firearm
10 background check system is established, the fee established in this
11 section will replace the fee required in RCW 9.41.090(7).

12 (b) The background check fee required under this subsection does
13 not apply to any background check conducted in connection with a
14 pawnbroker's receipt of a pawned firearm or the redemption of a
15 pawned firearm.

16 (5) The Washington state patrol shall establish a procedure for a
17 person who has been denied a firearms transfer as the result of a
18 background check to appeal the denial to the Washington state patrol
19 and to obtain information on the basis for the denial and procedures
20 to review and correct any erroneous records that led to the denial.

21 (6) The Washington state patrol shall work with the
22 administrative office of the courts to build a link between the
23 firearm background check system and the administrative office of the
24 courts case management system for the purpose of accessing court
25 records to determine a person's eligibility to possess a firearm.

26 (7) Upon establishment of the firearm background check system
27 under this section, the Washington state patrol shall notify each
28 dealer in the state of the existence of the system, and the dealer
29 must use the system to conduct background checks for firearm sales or
30 transfers beginning on the date that is thirty days after issuance of
31 the notification.

32 (8) The Washington state patrol shall consult with the Washington
33 background check advisory board created in RCW 43.43.585 in carrying
34 out its duties under this section.

35 (9) No later than July 1, 2025, and annually thereafter, the
36 Washington state patrol firearms background check unit shall report
37 to the appropriate committees of the legislature the average time
38 between receipt of request for a background check and final decision.

39 (10) All records and information prepared, obtained, used, or
40 retained by the Washington state patrol in connection with a request

1 for a firearm background check are exempt from public inspection and
2 copying under chapter 42.56 RCW.

3 ~~((10))~~ (11) The Washington state patrol may adopt rules
4 necessary to carry out the purposes of this section.

5 ~~((11))~~ (12) For the purposes of this section, "dealer" has the
6 same meaning as given in RCW 9.41.010.

7 NEW SECTION. **Sec. 8.** This act takes effect on the date that is
8 30 days after the Washington state patrol issues a notification to
9 dealers that a state firearms background check system is established
10 under RCW 43.43.580. The Washington state patrol shall provide
11 written notice of the effective date of this act to the chief clerk
12 of the house of representatives, the secretary of the senate, the
13 office of the code reviser, and others as deemed appropriate by the
14 Washington state patrol.

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