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HOUSE BILL 1501

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Hansen and Hayes

1 AN ACT Relating to protecting law enforcement and the public from  
2 persons who illegally attempt to obtain firearms; amending RCW  
3 43.10.232; adding a new section to chapter 9.41 RCW; adding new  
4 sections to chapter 43.43 RCW; adding a new section to chapter 36.28A  
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
8 to read as follows:

9 A dealer shall report to the Washington state patrol information  
10 on each case where the dealer denies an application for the purchase  
11 or transfer of a firearm, whether under RCW 9.41.090 or 9.41.113, or  
12 the requirements of federal law, as the result of a background check  
13 that indicates the applicant is ineligible to possess a firearm under  
14 state or federal law. The dealer shall report the denied application  
15 information to the Washington state patrol within two days of the  
16 denial in a format as prescribed by the Washington state patrol. The  
17 reported information must include the identifying information of the  
18 applicant, the date of the application and denial of the application,  
19 and other information as prescribed by the Washington state patrol.  
20 In any case where the purchase or transfer of a firearm is initially  
21 denied by the dealer as the result of a background check that

1 indicates the applicant is ineligible to possess a firearm, but the  
2 purchase or transfer is subsequently approved, the dealer shall  
3 report the subsequent approval to the Washington state patrol within  
4 one day of the approval.

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

7 (1)(a) Upon implementation of this act, the Washington state  
8 patrol shall maintain a database that consists of information  
9 received under section 1 of this act pertaining to persons who have  
10 applied for the purchase or transfer of a firearm and were denied as  
11 the result of a background check that indicates the applicant is  
12 ineligible to possess a firearm under state or federal law. The  
13 database shall be accessible to law enforcement agencies and officers  
14 that have a connection to the Washington state patrol electronic  
15 database.

16 (b) Upon receipt of information from a dealer under section 1 of  
17 this act that a person originally denied the purchase or transfer of  
18 a firearm as the result of a background check that indicates the  
19 applicant is ineligible to possess a firearm has subsequently been  
20 approved for the purchase or transfer, the Washington state patrol  
21 shall remove the record of the person's original denial from the  
22 database.

23 (2) Subject to amounts appropriated for this specific purpose,  
24 the Washington state patrol shall investigate denied firearm purchase  
25 or transfer applications reported under section 1 of this act to  
26 determine whether the applicant knowingly attempted to acquire a  
27 firearm in violation of federal or state law or knowingly provided  
28 false information on the application for a firearm purchase or  
29 transfer. If, after investigation, the Washington state patrol  
30 believes the applicant has violated state law, the Washington state  
31 patrol shall refer the case to the office of the attorney general for  
32 prosecution.

33 (3) The database shall be used only for law enforcement purposes  
34 and for the purposes of section 5 of this act and is not subject to  
35 public disclosure under chapter 42.56 RCW.

36 (4) The Washington state patrol shall adopt rules as are  
37 necessary to carry out the purposes of this act.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.43  
2    RCW to read as follows:

3        The Washington state patrol shall prepare an annual report on the  
4    number of denied firearms sales or transfers reported under section 1  
5    of this act. The report shall indicate the number of cases in which a  
6    person was denied a firearms sale or transfer, the number of cases  
7    where the denied sale or transfer was investigated for potential  
8    criminal prosecution, and the number of cases where an arrest was  
9    made, the case was referred for prosecution, and a conviction was  
10   obtained. The Washington state patrol shall submit the report to the  
11   attorney general and the appropriate committees of the legislature on  
12   or before December 31st of each year.

13        **Sec. 4.**    RCW 43.10.232 and 1986 c 257 s 16 are each amended to  
14    read as follows:

15        (1) The attorney general shall have concurrent authority and  
16    power with the prosecuting attorneys to investigate crimes and  
17    initiate and conduct prosecutions upon the request of or with the  
18    concurrence of any of the following:

19        (a) The county prosecuting attorney of the jurisdiction in which  
20    the offense has occurred;

21        (b) The governor of the state of Washington; (~~(e)~~)

22        (c) A majority of the committee charged with the oversight of the  
23    organized crime intelligence unit; or

24        (d) The Washington state patrol when referring cases under  
25    section 2 of this act.

26        (2) Such request or concurrence shall be communicated in writing  
27    to the attorney general.

28        (3) Prior to any prosecution by the attorney general under this  
29    section, the attorney general and the county in which the offense  
30    occurred shall reach an agreement regarding the payment of all costs,  
31    including expert witness fees, and defense attorneys' fees associated  
32    with any such prosecution.

33        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 36.28A  
34    RCW to read as follows:

35        (1)(a) When funded, the Washington association of sheriffs and  
36    police chiefs shall create and operate a statewide automated  
37    protected person notification system to automatically notify a  
38    registered person via the registered person's choice of telephone or

1 email when a respondent subject to a court order specified in (b) of  
2 this subsection has attempted to purchase or acquire a firearm and  
3 been denied based on a background check that indicates the respondent  
4 is ineligible to possess a firearm under state or federal law. The  
5 system must permit a person to register for notification, or a  
6 registered person to update the person's registration information,  
7 for the statewide automated protected person notification system by  
8 calling a toll-free telephone number or by accessing a public web  
9 site.

10 (b) The notification requirements of this section apply to any  
11 court order issued under chapter 7.92 RCW and RCW 7.90.090,  
12 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
13 26.10.040, 26.10.115, 26.26.130, 26.26.590, 26.50.060, or 26.50.070,  
14 where the order prohibits the respondent from possessing firearms or  
15 where by operation of law the respondent is ineligible to possess  
16 firearms during the term of the order.

17 (2) The Washington state patrol shall ensure that the Washington  
18 association of sheriffs and police chiefs is provided access to the  
19 data necessary for the purposes of implementation of the notification  
20 requirements of this section.

21 (3) An appointed or elected official, public employee, or public  
22 agency as defined in RCW 4.24.470, or combination of units of  
23 government and its employees, as provided in RCW 36.28A.010, are  
24 immune from civil liability for damages for any release of  
25 information or the failure to release information related to the  
26 statewide automated protected person notification system in this  
27 section, so long as the release or failure to release was without  
28 gross negligence. The immunity provided under this subsection applies  
29 to the release of relevant and necessary information to other public  
30 officials, public employees, or public agencies, and to the general  
31 public.

32 (4) Information and records received by the Washington  
33 association of sheriffs and police chiefs under this section,  
34 including information a person submits to register and participate in  
35 the statewide automated protected person notification system, may be  
36 used only for the purposes of this section and are exempt from public  
37 inspection and copying under chapter 42.56 RCW.

38 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
39 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2017, in the omnibus appropriations act, this  
2 act is null and void.

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