
SUBSTITUTE SENATE BILL 5553

State of Washington

65th Legislature

2018 Regular Session

By Senate Law & Justice (originally sponsored by Senators Pedersen, Fain, Frockt, Takko, Hobbs, Zeiger, Kuderer, and Darneille)

READ FIRST TIME 01/12/18.

1 AN ACT Relating to preventing suicide by permitting the voluntary
2 waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding
3 new sections to chapter 9.41 RCW; prescribing penalties; and
4 providing an effective date.

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

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

8 (1) A person may file a voluntary waiver of firearm rights with
9 the clerk of the court in any county in Washington state. The clerk
10 of the court must request photo identification to verify the person's
11 identity prior to accepting the form. The person filing the form may
12 provide an alternate person to be contacted if a voluntary waiver of
13 firearm rights is revoked. By the end of the business day, the clerk
14 of the court must transmit the accepted form for entry into the
15 Washington state patrol electronic database. The Washington state
16 patrol must enter the voluntary waiver of firearm rights into the
17 Washington state patrol electronic database within twenty-four hours
18 of receipt. Copies and records of the voluntary waiver of firearm
19 rights shall not be disclosed except as provided in RCW 42.56.240(4).

20 (2) No sooner than seven calendar days after filing a voluntary
21 waiver of firearm rights, the person may file a revocation of the

1 voluntary waiver of firearm rights in the same county where the
2 voluntary waiver of firearm rights was filed. The clerk of the court
3 must request photo identification to verify the person's identity
4 prior to accepting the form. By the end of the business day, the
5 clerk of the court must transmit the form requesting that the
6 Washington state patrol remove the person's voluntary waiver of
7 firearm rights from the Washington state patrol electronic database
8 to the Washington state patrol and to any contact person listed on
9 the voluntary waiver of firearm rights and destroy all records of the
10 voluntary waiver. After receiving a revocation of a voluntary waiver
11 of firearm rights, the Washington state patrol must remove the person
12 from the Washington state patrol electronic database within seven
13 days of receipt, unless the person is otherwise ineligible to possess
14 a firearm under RCW 9.41.040, and destroy all records of the
15 voluntary waiver.

16 (3) A person who knowingly makes a false statement regarding
17 their identity on the voluntary waiver of firearm rights form or
18 revocation of waiver of firearm rights form is guilty of false
19 swearing under RCW 9A.72.040.

20 (4) Neither a voluntary waiver of firearm rights nor a revocation
21 of a voluntary waiver of firearm rights shall be considered by a
22 court in any legal proceeding.

23 (5) A voluntary waiver of firearm rights may not be required of
24 an individual as a condition for receiving employment, benefits, or
25 services.

26 (6) All records obtained and all reports produced, as required by
27 this section, are not subject to disclosure through the public
28 records act under chapter 42.56 RCW.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
30 to read as follows:

31 (1) The administrator for the courts, under the direction of the
32 chief justice, shall develop a voluntary waiver of firearm rights
33 form and a revocation of voluntary waiver of firearm rights form by
34 January 1, 2019.

35 (2) The forms must include all of the information necessary for
36 identification and entry of the person into the Washington state
37 patrol electronic database and the voluntary waiver of firearm rights
38 form must include the following language:

1 Because you have filed this voluntary waiver of firearm rights,
2 effective immediately you may not purchase or receive any firearm.
3 You may revoke this voluntary waiver of firearm rights any time after
4 at least seven calendar days have elapsed since the time of filing.

5 (3) The forms must be made available on the administrator for the
6 courts web site, at all county clerk offices, and must also be made
7 widely available at firearm and ammunition dealers and health care
8 provider locations.

9 **Sec. 3.** RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended
10 to read as follows:

11 No person may deliver a firearm to any person whom he or she has
12 reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to
13 possess a firearm or (2) has signed a valid voluntary waiver of
14 firearm rights that has not been revoked under section 1 of this act.
15 Any person violating this section is guilty of a class C felony,
16 punishable under chapter 9A.20 RCW.

17 **Sec. 4.** RCW 9.41.092 and 2015 c 1 s 4 are each amended to read
18 as follows:

19 Except as otherwise provided in this chapter, a licensed dealer
20 may not deliver any firearm to a purchaser or transferee until the
21 earlier of:

22 (1) The results of all required background checks are known and
23 the purchaser or transferee (a) is not prohibited from owning or
24 possessing a firearm under federal or state law and (b) does not have
25 a voluntary waiver of firearm rights currently in effect; or

26 (2) Ten business days have elapsed from the date the licensed
27 dealer requested the background check. However, for sales and
28 transfers of pistols if the purchaser or transferee does not have a
29 valid permanent Washington driver's license or state identification
30 card or has not been a resident of the state for the previous
31 consecutive ninety days, then the time period in this subsection
32 shall be extended from ten business days to sixty days.

33 NEW SECTION. **Sec. 5.** Sections 1 and 4 of this act take effect
34 January 1, 2019.

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