
SUBSTITUTE SENATE BILL 5553

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

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 to the Washington state
15 patrol. The Washington state patrol must enter the voluntary waiver
16 of firearm rights into the national instant criminal background check
17 system and any other federal or state computer-based systems used by
18 law enforcement agencies or others to identify prohibited purchasers
19 of firearms within twenty-four hours of receipt of the form. Copies
20 and records of the voluntary waiver of firearm rights shall not be
21 disclosed except to law enforcement agencies.

1 (2) No sooner than seven calendar days after filing a voluntary
2 waiver of firearm rights, the person may file a revocation of the
3 voluntary waiver of firearm rights in the same county where the
4 voluntary waiver of firearm rights was filed. The clerk of the court
5 must request photo identification to verify the person's identity
6 prior to accepting the form. By the end of the business day, the
7 clerk of the court must transmit the form to the Washington state
8 patrol and to any contact person listed on the voluntary waiver of
9 firearm rights and destroy all records of the voluntary waiver.
10 Within seven days of receiving a revocation of a voluntary waiver of
11 firearm rights, the Washington state patrol must remove the person
12 from the national instant criminal background check system, and any
13 other federal or state computer-based systems used by law enforcement
14 agencies or others to identify prohibited purchasers of firearms in
15 which the person was entered, unless the person is otherwise
16 ineligible to possess a firearm under RCW 9.41.040, and destroy all
17 records of the voluntary waiver.

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

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

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

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

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

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

37 (2) The forms must include all of the information necessary for
38 identification and entry of the person into the national instant
39 criminal background check system, and any other federal or state

1 computer-based systems used by law enforcement agencies or others to
2 identify prohibited purchasers of firearms. The voluntary waiver of
3 firearm rights form must include the following language:

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 5.** Sections 1, 3, and 4 of this act take
2 effect January 1, 2019.

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