

2SHB 1143 - H AMD 338

By Representative Berry

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) In addition to the other requirements of this chapter, no
6 dealer may deliver a (~~pistol~~) firearm to the purchaser thereof
7 until:

8 (a) The purchaser (~~produces a valid concealed pistol license and~~
9 ~~the dealer has recorded the purchaser's name, license number, and~~
10 ~~issuing agency, such record to be made in triplicate and processed as~~
11 ~~provided in subsection (6) of this section. For purposes of this~~
12 ~~subsection (1)(a), a "valid concealed pistol license" does not~~
13 ~~include a temporary emergency license, and does not include any~~
14 ~~license issued before July 1, 1996, unless the issuing agency~~
15 ~~conducted a records search for disqualifying crimes under RCW~~
16 ~~9.41.070 at the time of issuance~~) provides proof of completion of a
17 recognized firearm safety training program within the last five years
18 that complies with the requirements in section 2 of this act, or
19 proof that the purchaser is exempt from the training requirement;

20 (b) The dealer is notified (~~in writing by (i) the chief of~~
21 ~~police or the sheriff of the jurisdiction in which the purchaser~~
22 ~~resides that the purchaser is eligible to possess a pistol under RCW~~
23 ~~9.41.040 and that the application to purchase is approved by the~~
24 ~~chief of police or sheriff; or (ii) the state~~) by the Washington
25 state patrol firearms background check program that the purchaser is
26 eligible to possess a firearm under ((RCW 9.41.040, as provided in
27 subsection (3)(b) of this section; or)) state and federal law; and

28 (c) The requirements (~~or~~) and time periods in RCW 9.41.092 have
29 been satisfied.

30 (2) (~~In addition to the other requirements of this chapter, no~~
31 ~~dealer may deliver a semiautomatic assault rifle to the purchaser~~
32 ~~thereof until:~~

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

4 ~~(i) Basic firearms safety rules;~~

5 ~~(ii) Firearms and children, including secure gun storage and~~
6 ~~talking to children about gun safety;~~

7 ~~(iii) Firearms and suicide prevention;~~

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

9 ~~(v) Safe handling of firearms; and~~

10 ~~(vi) State and federal firearms laws, including prohibited~~
11 ~~firearms transfers.~~

12 ~~The training must be sponsored by a federal, state, county, or~~
13 ~~municipal law enforcement agency, a college or university, a~~
14 ~~nationally recognized organization that customarily offers firearms~~
15 ~~training, or a firearms training school with instructors certified by~~
16 ~~a nationally recognized organization that customarily offers firearms~~
17 ~~training. The proof of training shall be in the form of a~~
18 ~~certification that states under the penalty of perjury the training~~
19 ~~included the minimum requirements; and~~

20 ~~(b) The dealer is notified in writing by (i) the chief of police~~
21 ~~or the sheriff of the jurisdiction in which the purchaser resides~~
22 ~~that the purchaser is eligible to possess a firearm under~~
23 ~~RCW 9.41.040 and that the application to purchase is approved by the~~
24 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~
25 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~
26 ~~subsection (3) (b) of this section; or~~

27 ~~(c) The requirements or time periods in RCW 9.41.092 have been~~
28 ~~satisfied.~~

29 ~~(3) (a) Except as provided in (b) of this subsection, in)) In~~
30 ~~determining whether the purchaser ((meets the requirements of RCW~~
31 ~~9.41.040)) is eligible to possess a firearm, the ((chief of police or~~
32 ~~sheriff, or the designee of either,)) Washington state patrol~~
33 ~~firearms background check program shall check with the ((national~~
34 ~~crime information center, including the)) national instant criminal~~
35 ~~background check system, provided for by the Brady handgun violence~~
36 ~~prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state~~
37 ~~patrol electronic database, the health care authority electronic~~
38 ~~database, the administrative office of the courts, LInX-NW, and with~~
39 ~~other agencies or resources as appropriate, to determine whether the~~
40 ~~applicant is ineligible under RCW 9.41.040 to possess a firearm.~~

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

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

24 ~~(5) In any case where the chief or sheriff of the local~~
25 ~~jurisdiction, or the state pursuant to subsection (3)(b) of this~~
26 ~~section, has reasonable grounds based on the following circumstances:~~
27 ~~(a) Open criminal charges, (b) pending criminal proceedings, (c)~~
28 ~~pending commitment proceedings, (d) an outstanding warrant for an~~
29 ~~offense making a person ineligible under RCW 9.41.040 to possess a~~
30 ~~firearm, or (e) an arrest for an offense making a person ineligible~~
31 ~~under RCW 9.41.040 to possess a firearm, if the records of~~
32 ~~disposition have not yet been reported or entered sufficiently to~~
33 ~~determine eligibility to purchase a firearm, the local jurisdiction~~
34 ~~or the state may hold the sale and delivery of the pistol or~~
35 ~~semiautomatic assault rifle up to thirty days in order to confirm~~
36 ~~existing records in this state or elsewhere. After thirty days, the~~
37 ~~hold will be lifted unless an extension of the thirty days is~~
38 ~~approved by a local district court, superior court, or municipal~~
39 ~~court for good cause shown. A dealer shall be notified of each hold~~
40 ~~placed on the sale by local law enforcement or the state and of any~~

1 ~~application to the court for additional hold period to confirm~~
2 ~~records or confirm the identity of the applicant.~~

3 ~~(6))~~ (3)(a) At the time of applying for the purchase of a
4 ~~((pistol or semiautomatic assault rifle))~~ firearm, the purchaser
5 shall sign ~~((in triplicate))~~ and deliver to the dealer an application
6 containing:

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

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

10 (iii) The applicant's driver's license number or state
11 identification card number;

12 (iv) A description of the ~~((pistol or semiautomatic assault~~
13 ~~rifle))~~ firearm including the make, model, caliber and manufacturer's
14 number if available at the time of applying for the purchase of ~~((a~~
15 ~~pistol or semiautomatic assault rifle))~~ the firearm. If the
16 manufacturer's number is not available at the time of applying for
17 the purchase of a ~~((pistol or semiautomatic assault rifle))~~ firearm,
18 the application may be processed, but delivery of the ~~((pistol or~~
19 ~~semiautomatic assault rifle))~~ firearm to the purchaser may not occur
20 unless the manufacturer's number is recorded on the application by
21 the dealer and transmitted to the ~~((chief of police of the~~
22 ~~municipality or the sheriff of the county in which the purchaser~~
23 ~~resides, or the state pursuant to subsection (3)(b) of this section))~~
24 Washington state patrol firearms background check program; and

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

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

31 (b) The ~~((application))~~ dealer shall ~~((contain))~~ provide the
32 applicant with information that contains two warnings substantially
33 stated as follows:

34 (i) CAUTION: Although state and local laws do not differ, federal
35 law and state law on the possession of firearms differ. If you are
36 prohibited by federal law from possessing a firearm, you may be
37 prosecuted in federal court. State permission to purchase a firearm
38 is not a defense to a federal prosecution; and

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

5 The purchaser shall be given a copy of the department of fish and
6 wildlife pamphlet on the legal limits of the use of firearms and
7 firearms safety.

8 (c) The dealer shall, by the end of the business day, ~~((sign and
9 attach his or her address and deliver a copy of the application and
10 such other documentation as required under subsections (1) and (2) of
11 this section to the chief of police of the municipality or the
12 sheriff of the county of which the purchaser is a resident, or the
13 state pursuant to subsection (3)(b) of this section))~~ transmit the
14 information from the application through secure automated firearms e-
15 check (SAFE) to the Washington state patrol firearms background check
16 program. The ~~((triplicate))~~ original application shall be retained by
17 the dealer for six years.

18 (d) The dealer shall deliver the ~~((pistol or semiautomatic
19 assault rifle))~~ firearm to the purchaser ~~((following))~~ once the
20 requirements and period of time specified in this chapter ~~((unless
21 the dealer is notified of an investigative hold under subsection (5)
22 of this section in writing by the chief of police of the
23 municipality, the sheriff of the county, or the state, whichever is
24 applicable, or of the denial of the purchaser's application to
25 purchase and the grounds thereof))~~ are satisfied. The application
26 shall not be denied unless the purchaser is not eligible to purchase
27 or possess the firearm under state or federal law or has not complied
28 with the requirements of this section.

29 ~~((d))~~ (e) The ~~((chief of police of the municipality or the
30 sheriff of the county, or the state pursuant to subsection (3)(b) of
31 this section,))~~ Washington state patrol firearms background check
32 program shall retain or destroy applications to purchase a ~~((pistol
33 or semiautomatic assault rifle))~~ firearm in accordance with the
34 requirements of 18 U.S.C. Sec. 922.

35 ~~((7)(a))~~ To help offset the administrative costs of implementing
36 this section as it relates to new requirements for semiautomatic
37 assault rifles, the department of licensing may require the dealer to
38 charge each semiautomatic assault rifle purchaser or transferee a fee
39 not to exceed twenty-five dollars, except that the fee may be

1 ~~adjusted at the beginning of each biennium to levels not to exceed~~
2 ~~the percentage increase in the consumer price index for all urban~~
3 ~~consumers, CPI-W, or a successor index, for the previous biennium as~~
4 ~~calculated by the United States department of labor.~~

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

7 ~~(i) The state for the cost of meeting its obligations under this~~
8 ~~section;~~

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

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

15 ~~(8))~~ (4) A person who knowingly makes a false statement
16 regarding identity or eligibility requirements on the application to
17 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

18 ~~((9))~~ (5) This section does not apply to sales to licensed
19 dealers for resale or to the sale of antique firearms.

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

22 (1) A person applying for the purchase or transfer of a firearm
23 must provide proof of completion of a recognized firearms safety
24 training program within the last five years that, at a minimum,
25 includes instruction on:

26 (a) Basic firearms safety rules;

27 (b) Firearms and children, including secure gun storage and
28 talking to children about gun safety;

29 (c) Firearms and suicide prevention;

30 (d) Secure gun storage to prevent unauthorized access and use;

31 (e) Safe handling of firearms;

32 (f) State and federal firearms laws, including prohibited
33 firearms transfers and locations where firearms are prohibited;

34 (g) State laws pertaining to the use of deadly force for self-
35 defense; and

36 (h) Techniques for avoiding a criminal attack and how to manage a
37 violent confrontation, including conflict resolution.

38 (2) The training must be sponsored by a federal, state, county,
39 or municipal law enforcement agency, a college or university, a

1 nationally recognized organization that customarily offers firearms
2 training, or a firearms training school with instructors certified by
3 a nationally recognized organization that customarily offers firearms
4 training. The proof of training shall be in the form of a
5 certification that states under the penalty of perjury that the
6 training included the minimum requirements.

7 (3) The training may include stories provided by individuals with
8 lived experience in the topics listed in subsection (1)(a) through
9 (g) of this section or an understanding of the legal and social
10 impacts of discharging a firearm.

11 (4) The firearms safety training requirement of this section does
12 not apply to:

13 (a) A person who is a:

14 (i) General authority Washington peace officer as defined in RCW
15 10.93.020;

16 (ii) Limited authority Washington peace officer as defined in RCW
17 10.93.020 who as a normal part of their duties has arrest powers and
18 carries a firearm;

19 (iii) Specially commissioned Washington peace officer as defined
20 in RCW 10.93.020 who as a normal part of their duties has arrest
21 powers and carries a firearm; or

22 (iv) Federal peace officer as defined in RCW 10.93.020 who as a
23 normal part of their duties has arrest powers and carries a firearm;
24 or

25 (b) A person who is an active duty member of the armed forces of
26 the United States, an active member of the national guard, or an
27 active member of the armed forces reserves who, as part of the
28 applicant's service, has completed, within the last five years, a
29 course of training in firearms proficiency or familiarization that
30 included training on the safe handling and shooting proficiency with
31 firearms.

32 **Sec. 3.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to
33 read as follows:

34 (1)(a) At the time a person is convicted or found not guilty by
35 reason of insanity of an offense making the person ineligible to
36 possess a firearm, or at the time a person is committed by court
37 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
38 chapter 10.77 RCW for mental health treatment, or at the time that
39 charges are dismissed based on incompetency to stand trial under RCW

1 10.77.088 and the court makes a finding that the person has a history
2 of one or more violent acts, the convicting or committing court, or
3 court that dismisses charges, shall notify the person, orally and in
4 writing, that the person must immediately surrender any concealed
5 pistol license and that the person may not possess a firearm unless
6 his or her right to do so is restored by a court of record. For
7 purposes of this section a convicting court includes a court in which
8 a person has been found not guilty by reason of insanity.

9 (b) The court shall forward within three judicial days after
10 conviction, entry of the commitment order, or dismissal of charges, a
11 copy of the person's driver's license or identicard, or comparable
12 information such as their name, address, and date of birth, along
13 with the date of conviction or commitment, or date charges are
14 dismissed, to the department of licensing and to the Washington state
15 patrol firearms background check program. When a person is committed
16 by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
17 or chapter 10.77 RCW, for mental health treatment, or when a person's
18 charges are dismissed based on incompetency to stand trial under RCW
19 10.77.088 and the court makes a finding that the person has a history
20 of one or more violent acts, the court also shall forward, within
21 three judicial days after entry of the commitment order, or dismissal
22 of charges, a copy of the person's driver's license, or comparable
23 information, along with the date of commitment or date charges are
24 dismissed, to the national instant criminal background check system
25 index, denied persons file, created by the federal Brady handgun
26 violence prevention act (P.L. 103-159). The petitioning party shall
27 provide the court with the information required. If more than one
28 commitment order is entered under one cause number, only one
29 notification to the department of licensing, the Washington state
30 patrol firearms background check program, and the national instant
31 criminal background check system is required.

32 (2) Upon receipt of the information provided for by subsection
33 (1) of this section, the department of licensing shall determine if
34 the convicted or committed person, or the person whose charges are
35 dismissed based on incompetency to stand trial, has a concealed
36 pistol license. If the person does have a concealed pistol license,
37 the department of licensing shall immediately notify the license-
38 issuing authority which, upon receipt of such notification, shall
39 immediately revoke the license.

1 (3) (a) A person who is prohibited from possessing a firearm, by
2 reason of having been involuntarily committed for mental health
3 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
4 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
5 by reason of having been detained under RCW 71.05.150 or 71.05.153,
6 or because the person's charges were dismissed based on incompetency
7 to stand trial under RCW 10.77.088 and the court made a finding that
8 the person has a history of one or more violent acts, may, upon
9 discharge, petition the superior court to have his or her right to
10 possess a firearm restored.

11 (b) The petition must be brought in the superior court that
12 ordered the involuntary commitment or dismissed the charges based on
13 incompetency to stand trial or the superior court of the county in
14 which the petitioner resides.

15 (c) Except as provided in (d) and (e) of this subsection, the
16 court shall restore the petitioner's right to possess a firearm if
17 the petitioner proves by a preponderance of the evidence that:

18 (i) The petitioner is no longer required to participate in court-
19 ordered inpatient or outpatient treatment;

20 (ii) The petitioner has successfully managed the condition
21 related to the commitment or detention or incompetency;

22 (iii) The petitioner no longer presents a substantial danger to
23 himself or herself, or the public; and

24 (iv) The symptoms related to the commitment or detention or
25 incompetency are not reasonably likely to recur.

26 (d) If a preponderance of the evidence in the record supports a
27 finding that the person petitioning the court has engaged in violence
28 and that it is more likely than not that the person will engage in
29 violence after his or her right to possess a firearm is restored, the
30 person shall bear the burden of proving by clear, cogent, and
31 convincing evidence that he or she does not present a substantial
32 danger to the safety of others.

33 (e) If the petitioner seeks restoration after having been
34 detained under RCW 71.05.150 or 71.05.153, the state shall bear the
35 burden of proof to show, by a preponderance of the evidence, that the
36 petitioner does not meet the restoration criteria in (c) of this
37 subsection.

38 (f) When a person's right to possess a firearm has been restored
39 under this subsection, the court shall forward, within three judicial
40 days after entry of the restoration order, notification that the

1 person's right to possess a firearm has been restored to the
2 department of licensing and the Washington state patrol criminal
3 records division, with a copy of the person's driver's license or
4 identicard, or comparable identification such as their name, address,
5 and date of birth, and to the health care authority, and the national
6 instant criminal background check system index, denied persons file.
7 In the case of a person whose right to possess a firearm has been
8 suspended for six months as provided in RCW 71.05.182, the department
9 of licensing shall forward notification of the restoration order to
10 the licensing authority, which, upon receipt of such notification,
11 shall immediately lift the suspension, restoring the person's
12 concealed pistol license.

13 (4) No person who has been found not guilty by reason of insanity
14 may petition a court for restoration of the right to possess a
15 firearm unless the person meets the requirements for the restoration
16 of the right to possess a firearm under RCW 9.41.040(4).

17 **Sec. 4.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read
18 as follows:

19 ~~((1))~~ Except as otherwise provided in this chapter ~~((and except~~
20 ~~for semiautomatic assault rifles under subsection (2) of this~~
21 ~~section))~~, a licensed dealer may not deliver any firearm to a
22 purchaser or transferee until the earlier of:

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

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

35 ~~(2) Except as otherwise provided in this chapter, a licensed~~
36 ~~dealer may not deliver a semiautomatic assault rifle to a purchaser~~
37 ~~or transferee until ten business days have elapsed from the date of~~
38 ~~the purchase application or, in the case of a transfer, ten business~~
39 ~~days have elapsed from the date a background check is initiated.))~~

1 **Sec. 5.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read
2 as follows:

3 A signed application to purchase a (~~(pistol or semiautomatic~~
4 ~~assault rifle)) firearm shall constitute a waiver of confidentiality
5 and written request that the health care authority, mental health
6 institutions, and other health care facilities release(~~(, to an~~
7 ~~inquiring court or law enforcement agency,)~~) information relevant to
8 the applicant's eligibility to purchase a (~~(pistol or semiautomatic~~
9 ~~assault rifle)) firearm to an inquiring court (~~(or)~~), law enforcement
10 agency, or the Washington state patrol firearms background check
11 program.~~~~

12 **Sec. 6.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read
13 as follows:

14 (1) The health care authority, mental health institutions, and
15 other health care facilities shall, upon request of a court, law
16 enforcement agency, or the state, supply such relevant information as
17 is necessary to determine the eligibility of a person to possess a
18 firearm (~~(or)~~), to be issued a concealed pistol license under RCW
19 9.41.070, or to purchase a (~~(pistol or semiautomatic assault rifle))~~
20 firearm under RCW 9.41.090.

21 (2) Mental health information received by: (a) The department of
22 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing
23 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
24 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law
25 enforcement agency pursuant to subsection (1) of this section; or (e)
26 the Washington state patrol firearms background check program
27 pursuant to RCW 9.41.090, shall not be disclosed except as provided
28 in RCW 42.56.240(4).

29 **Sec. 7.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read
30 as follows:

31 (1) The state, local governmental entities, any public or private
32 agency, and the employees of any state or local governmental entity
33 or public or private agency, acting in good faith, are immune from
34 liability:

35 (a) For failure to prevent the sale or transfer of a firearm to a
36 person whose receipt or possession of the firearm is unlawful;

37 (b) For preventing the sale or transfer of a firearm to a person
38 who may lawfully receive or possess a firearm;

1 (c) For issuing a concealed pistol license or alien firearm
2 license to a person ineligible for such a license;

3 (d) For failing to issue a concealed pistol license or alien
4 firearm license to a person eligible for such a license;

5 (e) For revoking or failing to revoke an issued concealed pistol
6 license or alien firearm license;

7 (f) For errors in preparing or transmitting information as part
8 of determining a person's eligibility to receive or possess a
9 firearm, or eligibility for a concealed pistol license or alien
10 firearm license;

11 (g) For issuing a dealer's license to a person ineligible for
12 such a license; or

13 (h) For failing to issue a dealer's license to a person eligible
14 for such a license.

15 (2) An application may be made to a court of competent
16 jurisdiction for a writ of mandamus:

17 (a) Directing an issuing agency to issue a concealed pistol
18 license or alien firearm license wrongfully refused;

19 (b) Directing (~~(a law enforcement agency)~~) the Washington state
20 patrol firearms background check program to approve an application to
21 purchase a (~~(pistol or semiautomatic assault rifle)~~) firearm
22 wrongfully denied;

23 (c) Directing that erroneous information resulting either in the
24 wrongful refusal to issue a concealed pistol license or alien firearm
25 license or in the wrongful denial of a purchase application for a
26 (~~(pistol or semiautomatic assault rifle)~~) firearm be corrected; or

27 (d) Directing a law enforcement agency to approve a dealer's
28 license wrongfully denied.

29 The application for the writ may be made in the county in which
30 the application for a concealed pistol license or alien firearm
31 license or an application to purchase a (~~(pistol or semiautomatic~~
32 ~~assault rifle)~~) firearm was made, or in Thurston county, at the
33 discretion of the petitioner. A court shall provide an expedited
34 hearing for an application brought under this subsection (2) for a
35 writ of mandamus. A person granted a writ of mandamus under this
36 subsection (2) shall be awarded reasonable attorneys' fees and costs.

37 **Sec. 8.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read
38 as follows:

1 (1) No dealer may sell or otherwise transfer, or expose for sale
2 or transfer, or have in his or her possession with intent to sell, or
3 otherwise transfer, any pistol without being licensed as provided in
4 this section.

5 (2) No dealer may sell or otherwise transfer, or expose for sale
6 or transfer, or have in his or her possession with intent to sell, or
7 otherwise transfer, any firearm other than a pistol without being
8 licensed as provided in this section.

9 (3) No dealer may sell or otherwise transfer, or expose for sale
10 or transfer, or have in his or her possession with intent to sell, or
11 otherwise transfer, any ammunition without being licensed as provided
12 in this section.

13 (4) The duly constituted licensing authorities of any city, town,
14 or political subdivision of this state shall grant licenses in forms
15 prescribed by the director of licensing effective for not more than
16 one year from the date of issue permitting the licensee to sell
17 firearms within this state subject to the following conditions, for
18 breach of any of which the license shall be forfeited and the
19 licensee subject to punishment as provided in (~~RCW 9.41.010 through~~
20 ~~9.41.810~~) this chapter. A licensing authority shall forward a copy
21 of each license granted to the department of licensing. The
22 department of licensing shall notify the department of revenue of the
23 name and address of each dealer licensed under this section.

24 (5) (a) A licensing authority shall, within thirty days after the
25 filing of an application of any person for a dealer's license,
26 determine whether to grant the license. However, if the applicant
27 does not have a valid permanent Washington driver's license or
28 Washington state identification card, or has not been a resident of
29 the state for the previous consecutive ninety days, the licensing
30 authority shall have up to sixty days to determine whether to issue a
31 license. No person shall qualify for a license under this section
32 without first receiving a federal firearms license and undergoing
33 fingerprinting and a background check. In addition, no person
34 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
35 a concealed pistol license under RCW 9.41.070 shall qualify for a
36 dealer's license.

37 (b) A dealer shall require every employee who may sell a firearm
38 in the course of his or her employment to undergo fingerprinting and
39 a background check. An employee must be eligible to possess a
40 firearm, and must not have been convicted of a crime that would make

1 the person ineligible for a concealed pistol license, before being
2 permitted to sell a firearm. Every employee shall comply with
3 requirements concerning purchase applications and restrictions on
4 delivery of (~~pistols or semiautomatic assault rifles~~) firearms that
5 are applicable to dealers.

6 (6) (a) Except as otherwise provided in (b) of this subsection,
7 the business shall be carried on only in the building designated in
8 the license. For the purpose of this section, advertising firearms
9 for sale shall not be considered the carrying on of business.

10 (b) A dealer may conduct business temporarily at a location other
11 than the building designated in the license, if the temporary
12 location is within Washington state and is the location of a gun show
13 sponsored by a national, state, or local organization, or an
14 affiliate of any such organization, devoted to the collection,
15 competitive use, or other sporting use of firearms in the community.
16 Nothing in this subsection (6) (b) authorizes a dealer to conduct
17 business in or from a motorized or towed vehicle.

18 In conducting business temporarily at a location other than the
19 building designated in the license, the dealer shall comply with all
20 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
21 this section. The license of a dealer who fails to comply with the
22 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
23 section while conducting business at a temporary location shall be
24 revoked, and the dealer shall be permanently ineligible for a
25 dealer's license.

26 (7) The license or a copy thereof, certified by the issuing
27 authority, shall be displayed on the premises in the area where
28 firearms are sold, or at the temporary location, where it can easily
29 be read.

30 (8) (a) No (~~pistol or semiautomatic assault rifle~~) firearm may
31 be sold: (i) In violation of any provisions of (~~RCW 9.41.010 through~~
32 ~~9.41.810~~) this chapter; nor (ii) (~~may a pistol or semiautomatic~~
33 ~~assault rifle be sold~~) under any circumstances unless the purchaser
34 is personally known to the dealer or shall present clear evidence of
35 his or her identity.

36 (b) A dealer who sells or delivers any firearm in violation of
37 RCW 9.41.080 is guilty of a class C felony. In addition to any other
38 penalty provided for by law, the dealer is subject to mandatory
39 permanent revocation of his or her dealer's license and permanent
40 ineligibility for a dealer's license.

1 (c) The license fee for pistols shall be one hundred twenty-five
2 dollars. The license fee for firearms other than pistols shall be one
3 hundred twenty-five dollars. The license fee for ammunition shall be
4 one hundred twenty-five dollars. Any dealer who obtains any license
5 under subsection (1), (2), or (3) of this section may also obtain the
6 remaining licenses without payment of any fee. The fees received
7 under this section shall be deposited in the state general fund.

8 (9) (a) The dealer shall transmit the information from the firearm
9 transfer application through secure automated firearms e-check (SAFE)
10 to the Washington state patrol firearms background check program. The
11 Washington state patrol firearms background check program shall
12 transmit the application information to the director of licensing
13 daily. The original application shall be retained by the dealer for
14 six years.

15 (b) A true record (~~(in triplicate)~~) shall be made of every
16 (~~(pistol or semiautomatic assault rifle)~~) firearm sold, in a book
17 kept for the purpose, the form of which may be prescribed by the
18 director of licensing and shall be personally signed by the purchaser
19 and by the person effecting the sale, each in the presence of the
20 other, and shall contain the date of sale, the caliber, make, model
21 and manufacturer's number of the weapon, the name, address,
22 occupation, and place of birth of the purchaser, and a statement
23 signed by the purchaser that he or she is not ineligible under state
24 or federal law to possess a firearm. The dealer shall retain the
25 transfer record for six years and shall, within seven days, send a
26 copy of the transfer record to the department of licensing.

27 (~~((b) One copy shall within six hours be sent by certified mail~~
28 ~~to the chief of police of the municipality or the sheriff of the~~
29 ~~county of which the purchaser is a resident, or the state pursuant to~~
30 ~~RCW 9.41.090; the duplicate the dealer shall within seven days send~~
31 ~~to the director of licensing; the triplicate the dealer shall retain~~
32 ~~for six years.))~~

33 (10) Subsections (2) through (9) of this section shall not apply
34 to sales at wholesale.

35 (11) The dealer's licenses authorized to be issued by this
36 section are general licenses covering all sales by the licensee
37 within the effective period of the licenses. The department shall
38 provide a single application form for dealer's licenses and a single
39 license form which shall indicate the type or types of licenses
40 granted.

1 (12) Except as otherwise provided in (~~RCW 9.41.090~~) this
2 chapter, every city, town, and political subdivision of this state is
3 prohibited from requiring the purchaser to secure a permit to
4 purchase or from requiring the dealer to secure an individual permit
5 for each sale.

6 **Sec. 9.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read
7 as follows:

8 (1) Beginning on the date that is thirty days after the
9 Washington state patrol issues a notification to dealers that a state
10 firearms background check system is established within the Washington
11 state patrol under RCW 43.43.580, a dealer shall use the Washington
12 state patrol firearms background check (~~system~~) program to conduct
13 background checks for all firearms transfers. A dealer may not sell
14 or transfer a firearm to an individual unless the dealer first
15 contacts the Washington state patrol firearms background check
16 program for a background check to determine the eligibility of the
17 purchaser or transferee to possess a firearm under state and federal
18 law and the requirements and time periods established in RCW 9.41.090
19 and 9.41.092 have been satisfied. (~~When an applicant applies for the~~
20 ~~purchase or transfer of a pistol or semiautomatic assault rifle, a~~
21 ~~dealer shall comply with all requirements of this chapter that apply~~
22 ~~to the sale or transfer of a pistol or semiautomatic rifle. The~~
23 ~~purchase or transfer of a firearm that is not a pistol or~~
24 ~~semiautomatic assault rifle must be processed in the same manner and~~
25 ~~under the same requirements of this chapter that apply to the sale or~~
26 ~~transfer of a pistol, except that the provisions of RCW 9.41.129, and~~
27 ~~the requirement in RCW 9.41.110(9)(b) concerning transmitting~~
28 ~~application records to the director of licensing, shall not apply to~~
29 ~~these transactions.))~~

30 (2) A dealer shall charge a purchaser or transferee a background
31 check fee in an amount determined by the Washington state patrol and
32 remit the proceeds from the fee to the Washington state patrol on a
33 monthly basis. The background check fee does not apply to any
34 background check conducted in connection with a pawnbroker's receipt
35 of a pawned firearm or the redemption of a pawned firearm.

36 (3) This section does not apply to sales or transfers to licensed
37 dealers or to the sale or transfer of an antique firearm.

1 **Sec. 10.** RCW 9.41.129 and 2019 c 3 s 14 are each amended to read
2 as follows:

3 The department of licensing shall keep copies or records of
4 applications for concealed pistol licenses provided for in RCW
5 9.41.070, copies or records of applications for alien firearm
6 licenses, copies or records of applications to purchase (~~pistols or~~
7 ~~semiautomatic assault rifles~~) firearms provided for in RCW 9.41.090,
8 and copies or records of (~~pistol or semiautomatic assault rifle~~)
9 firearms transfers provided for in RCW 9.41.110. The copies and
10 records shall not be disclosed except as provided in RCW
11 42.56.240(4).

12 NEW SECTION. **Sec. 11.** 2019 c 244 s 1 is repealed.

13 NEW SECTION. **Sec. 12.** This act takes effect January 1, 2024.

14 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2023, in the omnibus appropriations act, this
17 act is null and void."

18 Correct the title.

EFFECT: Eliminates the requirement that a dealer may not transfer
a firearm to a person unless the person has a valid permit to
purchase firearms, and removes all provisions of the bill that relate
to permits to purchase firearms.

Retains the firearms safety training program as a requirement for
the purchase or transfer of a firearm. Provides that a dealer may not
transfer a firearm to a person unless the person provides proof of
completion of a recognized firearm safety training program within the
previous five years. Removes live-fire training from the required
components of the firearm safety training program. Removes the
requirement that the firearm safety training program must be
certified by the Washington State Patrol as compliant with program
requirements, and provides that proof of training must be in the form
of a certification that states under penalty of perjury that the
training included the minimum requirements.

Retains provisions that provide that a dealer may not transfer
any firearm to a purchaser or transferee until: completion of a
background check indicating the person is eligible to possess
firearms; and 10 days have elapsed since the dealer requested the
background check. Also retains provisions updating firearm transfer
and background check processes, including updates to conform to the
implementation of a state firearms background check program.

Changes the effective date to January 1, 2024, rather than
January 1, 2025.

--- **END** ---