

E2SHB 1143 - S COMM AMD

By Committee on Law & Justice

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.

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

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

- 7 ~~(i) Basic firearms safety rules;~~
8 ~~(ii) Firearms and children, including secure gun storage and~~
9 ~~talking to children about gun safety;~~
10 ~~(iii) Firearms and suicide prevention;~~
11 ~~(iv) Secure gun storage to prevent unauthorized access and use;~~
12 ~~(v) Safe handling of firearms; and~~
13 ~~(vi) State and federal firearms laws, including prohibited~~
14 ~~firearms transfers.~~

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

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

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

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

1 database, the administrative office of the courts, LInX-NW, and with
2 other agencies or resources as appropriate, to determine whether the
3 applicant is ineligible under RCW 9.41.040 to possess a firearm.

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

13 ~~(4) In any case under this section where the applicant has an~~
14 ~~outstanding warrant for his or her arrest from any court of competent~~
15 ~~jurisdiction for a felony or misdemeanor, the dealer shall hold the~~
16 ~~delivery of the pistol or semiautomatic assault rifle until the~~
17 ~~warrant for arrest is served and satisfied by appropriate court~~
18 ~~appearance. The local jurisdiction for purposes of the sale, or the~~
19 ~~state pursuant to subsection (3)(b) of this section, shall confirm~~
20 ~~the existence of outstanding warrants within seventy-two hours after~~
21 ~~notification of the application to purchase a pistol or semiautomatic~~
22 ~~assault rifle is received. The local jurisdiction shall also~~
23 ~~immediately confirm the satisfaction of the warrant on request of the~~
24 ~~dealer so that the hold may be released if the warrant was for an~~
25 ~~offense other than an offense making a person ineligible under RCW~~
26 ~~9.41.040 to possess a firearm.~~

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

1 ~~approved by a local district court, superior court, or municipal~~
2 ~~court for good cause shown. A dealer shall be notified of each hold~~
3 ~~placed on the sale by local law enforcement or the state and of any~~
4 ~~application to the court for additional hold period to confirm~~
5 ~~records or confirm the identity of the applicant.~~

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

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

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

13 (iii) The applicant's driver's license number or state
14 identification card number;

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

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

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

34 (b) The ~~((application))~~ dealer shall ~~((contain))~~ provide the
35 applicant with information that contains two warnings substantially
36 stated as follows:

37 (i) CAUTION: Although state and local laws do not differ, federal
38 law and state law on the possession of firearms differ. If you are
39 prohibited by federal law from possessing a firearm, you may be

1 prosecuted in federal court. State permission to purchase a firearm
2 is not a defense to a federal prosecution; and

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

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

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

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

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

37 ~~((7)(a) To help offset the administrative costs of implementing
38 this section as it relates to new requirements for semiautomatic
39 assault rifles, the department of licensing may require the dealer to~~

1 ~~charge each semiautomatic assault rifle purchaser or transferee a fee~~
2 ~~not to exceed twenty-five dollars, except that the fee may be~~
3 ~~adjusted at the beginning of each biennium to levels not to exceed~~
4 ~~the percentage increase in the consumer price index for all urban~~
5 ~~consumers, CPI-W, or a successor index, for the previous biennium as~~
6 ~~calculated by the United States department of labor.~~

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

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

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

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

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

20 ~~((9))~~ (5) This section does not apply to sales to licensed
21 dealers for resale or to the sale of antique firearms.

22 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW
23 to read as follows:

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

28 (a) Basic firearms safety rules;

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

31 (c) Firearms and suicide prevention;

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

33 (e) Safe handling of firearms;

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

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

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

1 (2) The training must be sponsored by a federal, state, county,
2 or municipal law enforcement agency, a college or university, a
3 nationally recognized organization that customarily offers firearms
4 training, or a firearms training school with instructors certified by
5 a nationally recognized organization that customarily offers firearms
6 training. The proof of training shall be in the form of a
7 certification that states under the penalty of perjury that the
8 training included the minimum requirements.

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

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

15 (a) A person who is a:

16 (i) General authority Washington peace officer as defined in RCW
17 10.93.020;

18 (ii) Limited authority Washington peace officer as defined in RCW
19 10.93.020 who as a normal part of their duties has arrest powers and
20 carries a firearm;

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

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

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

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

36 (1)(a) At the time a person is convicted or found not guilty by
37 reason of insanity of an offense making the person ineligible to
38 possess a firearm under state or federal law, including if the person
39 was convicted of possession under RCW 69.50.4011, 69.50.4013,

1 69.50.4014, or 69.41.030, or at the time a person is committed by
2 court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
3 chapter 10.77 RCW for mental health treatment, or at the time that
4 charges are dismissed based on incompetency to stand trial under RCW
5 10.77.088 and the court makes a finding that the person has a history
6 of one or more violent acts, the convicting or committing court, or
7 court that dismisses charges, shall notify the person, orally and in
8 writing, that the person must immediately surrender any concealed
9 pistol license and that the person may not possess a firearm unless
10 his or her right to do so is restored by a court of record. For
11 purposes of this section a convicting court includes a court in which
12 a person has been found not guilty by reason of insanity.

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

36 (2) Upon receipt of the information provided for by subsection
37 (1) of this section, the department of licensing shall determine if
38 the convicted or committed person, or the person whose charges are
39 dismissed based on incompetency to stand trial, has a concealed
40 pistol license. If the person does have a concealed pistol license,

1 the department of licensing shall immediately notify the license-
2 issuing authority which, upon receipt of such notification, shall
3 immediately revoke the license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 ~~(2) Except as otherwise provided in this chapter, a licensed~~
39 ~~dealer may not deliver a semiautomatic assault rifle to a purchaser~~

1 ~~or transferee until ten business days have elapsed from the date of~~
2 ~~the purchase application or, in the case of a transfer, ten business~~
3 ~~days have elapsed from the date a background check is initiated.)~~

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

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

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

17 (1) The health care authority, mental health institutions, and
18 other health care facilities shall, upon request of a court, law
19 enforcement agency, or the state, supply such relevant information as
20 is necessary to determine the eligibility of a person to possess a
21 firearm (~~(or)~~) to be issued a concealed pistol license under RCW
22 9.41.070, or to purchase a (~~pistol or semiautomatic assault rifle~~)
23 firearm under RCW 9.41.090.

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

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

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

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

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

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

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

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

11 (f) For errors in preparing or transmitting information as part
12 of determining a person's eligibility to receive or possess a
13 firearm, or eligibility for a concealed pistol license or alien
14 firearm license;

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

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

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

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

23 (b) Directing (~~(a law enforcement agency)~~) the Washington state
24 patrol firearms background check program to approve an application to
25 purchase a (~~(pistol or semiautomatic assault rifle)~~) firearm
26 wrongfully denied;

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

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

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

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

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

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

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

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

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

39 (b) A dealer shall require every employee who may sell a firearm
40 in the course of his or her employment to undergo fingerprinting and

1 a background check. An employee must be eligible to possess a
2 firearm, and must not have been convicted of a crime that would make
3 the person ineligible for a concealed pistol license, before being
4 permitted to sell a firearm. Every employee shall comply with
5 requirements concerning purchase applications and restrictions on
6 delivery of (~~(pistols or semiautomatic assault rifles)~~) firearms that
7 are applicable to dealers.

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

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

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

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

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

38 (b) A dealer who sells or delivers any firearm in violation of
39 RCW 9.41.080 is guilty of a class C felony. In addition to any other
40 penalty provided for by law, the dealer is subject to mandatory

1 permanent revocation of his or her dealer's license and permanent
2 ineligibility for a dealer's license.

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

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

21 (b) (~~(One copy shall within six hours be sent by certified mail~~
22 ~~to the chief of police of the municipality or the sheriff of the~~
23 ~~county of which the purchaser is a resident, or the state pursuant to~~
24 ~~RCW 9.41.090; the duplicate the dealer shall within seven days send~~
25 ~~to the director of licensing; the triplicate the dealer shall retain~~
26 ~~for six years.)) The dealer shall transmit the information from the
27 firearm transfer application through secure automated firearms e-
28 check (SAFE) to the Washington state patrol firearms background check
29 program. The Washington state patrol firearms background check
30 program shall transmit the application information for pistol and
31 semiautomatic assault rifle transfer applications to the director of
32 licensing daily. The original application shall be retained by the
33 dealer for six years.~~

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

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

1 license form which shall indicate the type or types of licenses
2 granted.

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

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

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

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

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

1 NEW SECTION. **Sec. 10.** 2019 c 244 s 1 is repealed.

2 NEW SECTION. **Sec. 11.** This act takes effect January 1, 2024.

3 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
4 this act, referencing this act by bill or chapter number, is not
5 provided by June 30, 2023, in the omnibus appropriations act, this
6 act is null and void."

E2SHB 1143 - S COMM AMD
By Committee on Law & Justice

7 On page 1, line 6 of the title, after "procedures;" strike the
8 remainder of the title and insert "amending RCW 9.41.090, 9.41.047,
9 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, and 9.41.1135;
10 adding a new section to chapter 9.41 RCW; creating a new section;
11 repealing 2019 c 244 s 1; and providing an effective date."

EFFECT: Maintains current law that the department of licensing must only retain purchase application and transfer records for pistols and semiautomatic assault rifles.

Limits the requirement that the Washington state patrol firearms background check program transmit firearms application information to the director of licensing to apply to applications for pistol and semiautomatic assault rifle transfer applications.

Requires the court to notify individuals convicted of possession of drugs that they must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored and requires the court to forward information relating to that conviction to the department of licensing and to the Washington state patrol firearms background check program within three judicial days of the conviction.

Maintains current law that requires firearms dealers make a true record of every pistol and semiautomatic assault rifle sold.

Removes the requirement that firearms dealers must send the department of licensing a copy of the transfer record of every pistol and semiautomatic rifle sold.

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