
SUBSTITUTE HOUSE BILL 1839

State of Washington

63rd Legislature

2013 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Blake, Shea, Takko, Jinkins, Pollet, and Tharinger)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to the criminal background check and other
2 requirements applicable to the purchase and transfer of firearms; and
3 amending RCW 9.41.090.

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

5 **Sec. 1.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read
6 as follows:

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

9 (a) The purchaser produces a valid concealed pistol license and the
10 dealer has recorded the purchaser's name, license number, and issuing
11 agency, such record to be made in triplicate and processed as provided
12 in subsection (5) of this section. For purposes of this subsection
13 (1)(a), a "valid concealed pistol license" does not include a temporary
14 emergency license(~~(, and does not include any license issued before~~
15 ~~July 1, 1996,)) unless the issuing agency conducted a records search
16 for disqualifying crimes under RCW 9.41.070 at the time of issuance;~~

17 (b) The purchaser produces law enforcement agency credentials or
18 identification that shows, and the dealer confirms, that the purchaser
19 is a full-time, commissioned Washington law enforcement officer. The

1 dealer shall record the purchaser's name and law enforcement agency
2 credentials, such record to be made in triplicate and processed as
3 provided in subsection (5) of this section;

4 (c) The dealer is notified in writing by the chief of police or the
5 sheriff of the jurisdiction in which the purchaser resides that the
6 purchaser is eligible to possess a pistol under RCW 9.41.040 and that
7 the application to purchase is approved by the chief of police or
8 sheriff; or

9 ((+e)) (d) Five business days, meaning days on which state offices
10 are open, have elapsed from the time of receipt of the application for
11 the purchase thereof as provided herein by the chief of police or
12 sheriff designated in subsection (5) of this section, and, when
13 delivered, the pistol shall be securely wrapped and shall be unloaded.
14 However, if the purchaser does not have a valid permanent Washington
15 driver's license or state identification card or has not been a
16 resident of the state for the previous consecutive ninety days, the
17 waiting period under this subsection (1)((+e)) (d) shall be up to
18 sixty days.

19 (2)(a) (~~Except as provided in (b) of this subsection,~~) In
20 determining whether ((the)) a purchaser who does not possess a valid
21 concealed pistol license or law enforcement agency credentials as
22 specified under subsection (1)(b) of this section meets the
23 requirements of RCW 9.41.040, the chief of police or sheriff, or the
24 designee of either, shall check with the national ((~~crime information~~
25 ~~center~~)) instant criminal background check system, provided for by the
26 Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the
27 Washington state patrol electronic database, the department of social
28 and health services electronic database, and with other agencies or
29 resources as appropriate, to determine whether the applicant is
30 ineligible under RCW 9.41.040 to possess a ((~~firearm~~)) pistol.

31 (b) (~~Once the system is established,~~) A dealer shall use the
32 ((~~state system and~~)) national instant criminal background check system,
33 provided for by the Brady handgun violence prevention act (18 U.S.C.
34 Sec. 921 et seq.), to make criminal background checks of applicants to
35 purchase ((firearms)) pistols who produce a valid concealed pistol
36 license issued prior to July 22, 2011. (~~However, a chief of police or~~
37 ~~sheriff, or a designee of either, shall continue to check the~~

1 ~~department of social and health services' electronic database and with~~
2 ~~other agencies or resources as appropriate, to determine whether~~
3 ~~applicants are ineligible under RCW 9.41.040 to possess a firearm.))~~

4 (c) A background check is not required for a purchaser who produces
5 a valid concealed pistol license issued on or after July 22, 2011.

6 (3) In any case under subsection (1)((~~e~~)) (d) of this section
7 where the applicant has an outstanding warrant for his or her arrest
8 from any court of competent jurisdiction for a felony or misdemeanor,
9 the dealer shall hold the delivery of the pistol until the warrant for
10 arrest is served and satisfied by appropriate court appearance. The
11 local jurisdiction for purposes of the sale shall confirm the existence
12 of outstanding warrants within seventy-two hours after notification of
13 the application to purchase a pistol is received. The local
14 jurisdiction shall also immediately confirm the satisfaction of the
15 warrant on request of the dealer so that the hold may be released if
16 the warrant was for an offense other than an offense making a person
17 ineligible under RCW 9.41.040 to possess a pistol.

18 (4) In any case where the chief or sheriff of the local
19 jurisdiction has reasonable grounds based on the following
20 circumstances: (a) Open criminal charges, (b) pending criminal
21 proceedings, (c) pending commitment proceedings, (d) an outstanding
22 warrant for an offense making a person ineligible under RCW 9.41.040 to
23 possess a pistol, or (e) an arrest for an offense making a person
24 ineligible under RCW 9.41.040 to possess a pistol, if the records of
25 disposition have not yet been reported or entered sufficiently to
26 determine eligibility to purchase a pistol, the local jurisdiction may
27 hold the sale and delivery of the pistol beyond five days up to thirty
28 days in order to confirm existing records in this state or elsewhere.
29 After thirty days, the hold will be lifted unless an extension of the
30 thirty days is approved by a local district court or municipal court
31 for good cause shown. A dealer shall be notified of each hold placed
32 on the sale by local law enforcement and of any application to the
33 court for additional hold period to confirm records or confirm the
34 identity of the applicant.

35 (5) At the time of applying for the purchase of a pistol, the
36 purchaser shall sign in triplicate and deliver to the dealer an
37 application containing his or her full name, residential address, date
38 and place of birth, race, and gender; the date and hour of the

1 application; the applicant's driver's license number or state
2 identification card number; a description of the pistol including the
3 make, model, caliber and manufacturer's number if available at the time
4 of applying for the purchase of a pistol. If the manufacturer's number
5 is not available, the application may be processed, but delivery of the
6 pistol to the purchaser may not occur unless the manufacturer's number
7 is recorded on the application by the dealer and transmitted to the
8 chief of police of the municipality or the sheriff of the county in
9 which the purchaser resides; and a statement that the purchaser is
10 eligible to possess a pistol under RCW 9.41.040.

11 The application shall contain a warning substantially as follows:

12 CAUTION: Although state and local laws do not differ, federal
13 law and state law on the possession of firearms differ. If you
14 are prohibited by federal law from possessing a firearm, you
15 may be prosecuted in federal court. State permission to
16 purchase a firearm is not a defense to a federal prosecution.

17 The purchaser shall be given a copy of the department of fish and
18 wildlife pamphlet on the legal limits of the use of firearms, firearms
19 safety, and the fact that local laws and ordinances on firearms are
20 preempted by state law and must be consistent with state law.

21 The dealer shall, by the end of the business day, sign and attach
22 his or her address and deliver a copy of the application and such other
23 documentation as required under subsection (1) of this section to the
24 chief of police of the municipality or the sheriff of the county of
25 which the purchaser is a resident. The triplicate shall be retained by
26 the dealer for six years. For a purchaser who is subject to the
27 provisions of subsection (1)(d) of this section, the dealer shall
28 deliver the pistol to the purchaser following the period of time
29 specified in this section unless the dealer is notified of an
30 investigative hold under subsection (4) of this section in writing by
31 the chief of police of the municipality or the sheriff of the county,
32 whichever is applicable, denying the purchaser's application to
33 purchase and the grounds thereof. The application shall not be denied
34 unless the purchaser is not eligible to possess a pistol under RCW
35 9.41.040 or 9.41.045, or federal law.

36 The chief of police of the municipality or the sheriff of the
37 county shall retain or destroy applications to purchase a pistol in
38 accordance with the requirements of 18 U.S.C. Sec. 922.

1 (6) A person who knowingly makes a false statement regarding
2 identity or eligibility requirements on the application to purchase a
3 pistol is guilty of false swearing under RCW 9A.72.040.

4 (7) This section does not apply to sales to licensed dealers for
5 resale or to the sale of antique firearms.

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