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SENATE BILL 5539

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Roach, Sheldon, Angel, and Warnick

Read first time 01/23/15. Referred to Committee on Law & Justice.

1            AN ACT Relating to delivery of a pistol to a current law  
2 enforcement officer; and amending RCW 9.41.090.

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

4            **Sec. 1.** RCW 9.41.090 and 2015 c --- s 5 (Initiative Measure No.  
5 594) are each amended to read as follows:

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

17            (b) The purchaser produces current, valid identification as a  
18 general law enforcement officer and the dealer has recorded the  
19 purchaser's name, identification number, and issuing agency, such  
20 record to be made in triplicate and processed as provided in  
21 subsection (5) of this section. For the purposes of this subsection

1 (1)(b), "general law enforcement officer" means a person who is  
2 commissioned and employed by an employer on a full-time, fully  
3 compensated basis to enforce the criminal laws of the state of  
4 Washington generally;

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

10 ~~((e))~~ (d) The requirements or time periods in RCW 9.41.---  
11 (section 4, chapter ... (Initiative Measure No. 594), Laws of 2015)  
12 have been satisfied.

13 (2)(a) Except as provided in (b) of this subsection, in  
14 determining whether the purchaser meets the requirements of RCW  
15 9.41.040, the chief of police or sheriff, or the designee of either,  
16 shall check with the national crime information center, the  
17 Washington state patrol electronic database, the department of social  
18 and health services electronic database, and with other agencies or  
19 resources as appropriate, to determine whether the applicant is  
20 ineligible under RCW 9.41.040 to possess a firearm.

21 (b) Once the system is established, a dealer shall use the state  
22 system and national instant criminal background check system,  
23 provided for by the Brady Handgun Violence Prevention Act (18 U.S.C.  
24 Sec. 921 et seq.), to make criminal background checks of applicants  
25 to purchase firearms. However, a chief of police or sheriff, or a  
26 designee of either, shall continue to check the department of social  
27 and health services' electronic database and with other agencies or  
28 resources as appropriate, to determine whether applicants are  
29 ineligible under RCW 9.41.040 to possess a firearm.

30 (3) In any case under this section where the applicant has an  
31 outstanding warrant for his or her arrest from any court of competent  
32 jurisdiction for a felony or misdemeanor, the dealer shall hold the  
33 delivery of the pistol until the warrant for arrest is served and  
34 satisfied by appropriate court appearance. The local jurisdiction for  
35 purposes of the sale shall confirm the existence of outstanding  
36 warrants within seventy-two hours after notification of the  
37 application to purchase a pistol is received. The local jurisdiction  
38 shall also immediately confirm the satisfaction of the warrant on  
39 request of the dealer so that the hold may be released if the warrant

1 was for an offense other than an offense making a person ineligible  
2 under RCW 9.41.040 to possess a pistol.

3 (4) In any case where the chief or sheriff of the local  
4 jurisdiction has reasonable grounds based on the following  
5 circumstances: (a) Open criminal charges, (b) pending criminal  
6 proceedings, (c) pending commitment proceedings, (d) an outstanding  
7 warrant for an offense making a person ineligible under RCW 9.41.040  
8 to possess a pistol, or (e) an arrest for an offense making a person  
9 ineligible under RCW 9.41.040 to possess a pistol, if the records of  
10 disposition have not yet been reported or entered sufficiently to  
11 determine eligibility to purchase a pistol, the local jurisdiction  
12 may hold the sale and delivery of the pistol up to thirty days in  
13 order to confirm existing records in this state or elsewhere. After  
14 thirty days, the hold will be lifted unless an extension of the  
15 thirty days is approved by a local district court or municipal court  
16 for good cause shown. A dealer shall be notified of each hold placed  
17 on the sale by local law enforcement and of any application to the  
18 court for additional hold period to confirm records or confirm the  
19 identity of the applicant.

20 (5) At the time of applying for the purchase of a pistol, the  
21 purchaser shall sign in triplicate and deliver to the dealer an  
22 application containing his or her full name, residential address,  
23 date and place of birth, race, and gender; the date and hour of the  
24 application; the applicant's driver's license number or state  
25 identification card number; a description of the pistol including the  
26 make, model, caliber and manufacturer's number if available at the  
27 time of applying for the purchase of a pistol. If the manufacturer's  
28 number is not available, the application may be processed, but  
29 delivery of the pistol to the purchaser may not occur unless the  
30 manufacturer's number is recorded on the application by the dealer  
31 and transmitted to the chief of police of the municipality or the  
32 sheriff of the county in which the purchaser resides; and a statement  
33 that the purchaser is eligible to possess a pistol under RCW  
34 9.41.040.

35 The application shall contain a warning substantially as follows:

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

1       you may be prosecuted in federal court. State permission to  
2       purchase a firearm is not a defense to a federal prosecution.

3       The purchaser shall be given a copy of the department of fish and  
4       wildlife pamphlet on the legal limits of the use of firearms,  
5       firearms safety, and the fact that local laws and ordinances on  
6       firearms are preempted by state law and must be consistent with state  
7       law.

8       The dealer shall, by the end of the business day, sign and attach  
9       his or her address and deliver a copy of the application and such  
10      other documentation as required under subsection (1) of this section  
11      to the chief of police of the municipality or the sheriff of the  
12      county of which the purchaser is a resident. The triplicate shall be  
13      retained by the dealer for six years. The dealer shall deliver the  
14      pistol to the purchaser following the period of time specified in  
15      this chapter unless the dealer is notified of an investigative hold  
16      under subsection (4) of this section in writing by the chief of  
17      police of the municipality or the sheriff of the county, whichever is  
18      applicable, denying the purchaser's application to purchase and the  
19      grounds thereof. The application shall not be denied unless the  
20      purchaser is not eligible to possess a pistol under RCW 9.41.040 or  
21      9.41.045, or federal law.

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

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

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

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