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HOUSE BILL 2202

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State of Washington

66th Legislature

2020 Regular Session

By Representative Klippert

Prefiled 12/04/19.

1 AN ACT Relating to firearm safety training requirements for the  
2 sale or transfer of a semiautomatic assault rifle; amending RCW  
3 9.41.090 and 9.41.090; and amending 2019 c 244 s 2 (uncodified).

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

5 **Sec. 1.** RCW 9.41.090 and 2019 c 244 s 1 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 dealer is notified in writing by (i) the chief of police  
10 or the sheriff of the jurisdiction in which the purchaser resides  
11 that the purchaser is eligible to possess a pistol under RCW 9.41.040  
12 and that the application to purchase is approved by the chief of  
13 police or sheriff; or (ii) the state that the purchaser is eligible  
14 to possess a firearm under RCW 9.41.040, as provided in subsection  
15 (3)(b) of this section; or

16 (b) The requirements or time periods in RCW 9.41.092 have been  
17 satisfied.

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

1       (a) Except as provided in subsection (10) of this section, the  
2 purchaser provides proof that he or she has completed a recognized  
3 firearm safety training program within the last five years that, at a  
4 minimum, includes instruction on:

5       (i) Basic firearms safety rules;

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

8       (iii) Firearms and suicide prevention;

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

10       (v) Safe handling of firearms; and

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

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

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

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

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

39       (b) The state, through the legislature or initiative process, may  
40 enact a statewide firearms background check system equivalent to, or

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

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

22 (5) In any case where the chief or sheriff of the local  
23 jurisdiction, or the state pursuant to subsection (3)(b) of this  
24 section, has reasonable grounds based on the following circumstances:

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

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

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

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

7 (iii) The applicant's driver's license number or state  
8 identification card number;

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

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

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

27 (b) The application shall contain two warnings substantially  
28 stated as follows:

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

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

1 The purchaser shall be given a copy of the department of fish and  
2 wildlife pamphlet on the legal limits of the use of firearms and  
3 firearms safety.

4 (c) The dealer shall, by the end of the business day, sign and  
5 attach his or her address and deliver a copy of the application and  
6 such other documentation as required under subsections (1) and (2) of  
7 this section to the chief of police of the municipality or the  
8 sheriff of the county of which the purchaser is a resident, or the  
9 state pursuant to subsection (3)(b) of this section. The triplicate  
10 shall be retained by the dealer for six years. The dealer shall  
11 deliver the pistol or semiautomatic assault rifle to the purchaser  
12 following the period of time specified in this chapter unless the  
13 dealer is notified of an investigative hold under subsection (5) of  
14 this section in writing by the chief of police of the municipality,  
15 the sheriff of the county, or the state, whichever is applicable, or  
16 of the denial of the purchaser's application to purchase and the  
17 grounds thereof. The application shall not be denied unless the  
18 purchaser is not eligible to purchase or possess the firearm under  
19 state or federal law.

20 (d) The chief of police of the municipality or the sheriff of the  
21 county, or the state pursuant to subsection (3)(b) of this section,  
22 shall retain or destroy applications to purchase a pistol or  
23 semiautomatic assault rifle in accordance with the requirements of 18  
24 U.S.C. Sec. 922.

25 (7)(a) To help offset the administrative costs of implementing  
26 this section as it relates to new requirements for semiautomatic  
27 assault rifles, the department of licensing may require the dealer to  
28 charge each semiautomatic assault rifle purchaser or transferee a fee  
29 not to exceed twenty-five dollars, except that the fee may be  
30 adjusted at the beginning of each biennium to levels not to exceed  
31 the percentage increase in the consumer price index for all urban  
32 consumers, CPI-W, or a successor index, for the previous biennium as  
33 calculated by the United States department of labor.

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

36 (i) The state for the cost of meeting its obligations under this  
37 section;

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

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

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

10 (9) This section does not apply to sales to licensed dealers for  
11 resale or to the sale of antique firearms.

12 (10) The firearm safety training requirement in subsection (2)(a)  
13 of this section does not apply to the sale or transfer of a  
14 semiautomatic assault rifle to a person who is a law enforcement  
15 officer.

16 **Sec. 2.** RCW 9.41.090 and 2019 c 3 s 3 (Initiative Measure No.  
17 1639) are each amended to read as follows:

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

20 (a) The purchaser produces a valid concealed pistol license and  
21 the dealer has recorded the purchaser's name, license number, and  
22 issuing agency, such record to be made in triplicate and processed as  
23 provided in subsection (6) of this section. For purposes of this  
24 subsection (1)(a), a "valid concealed pistol license" does not  
25 include a temporary emergency license, and does not include any  
26 license issued before July 1, 1996, unless the issuing agency  
27 conducted a records search for disqualifying crimes under RCW  
28 9.41.070 at the time of issuance;

29 (b) The dealer is notified in writing by (i) the chief of police  
30 or the sheriff of the jurisdiction in which the purchaser resides  
31 that the purchaser is eligible to possess a pistol under RCW 9.41.040  
32 and that the application to purchase is approved by the chief of  
33 police or sheriff; or (ii) the state that the purchaser is eligible  
34 to possess a firearm under RCW 9.41.040, as provided in subsection  
35 (3)(b) of this section; or

36 (c) The requirements or time periods in RCW 9.41.092 have been  
37 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) Except as provided in subsection (10) of this section, the  
5 purchaser provides proof that he or she has completed a recognized  
6 firearm safety training program within the last five years that, at a  
7 minimum, includes instruction on:

8 (i) Basic firearms safety rules;

9 (ii) Firearms and children, including secure gun storage and  
10 talking to children about gun safety;

11 (iii) Firearms and suicide prevention;

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

13 (v) Safe handling of firearms; and

14 (vi) State and federal firearms laws, including prohibited  
15 firearms transfers.

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

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

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

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

1 resources as appropriate, to determine whether the applicant is  
2 ineligible under RCW 9.41.040 to possess a firearm.

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

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

26 (5) In any case where the chief or sheriff of the local  
27 jurisdiction, or the state pursuant to subsection (3)(b) of this  
28 section, has reasonable grounds based on the following circumstances:

29 (a) Open criminal charges, (b) pending criminal proceedings, (c)  
30 pending commitment proceedings, (d) an outstanding warrant for an  
31 offense making a person ineligible under RCW 9.41.040 to possess a  
32 firearm, or (e) an arrest for an offense making a person ineligible  
33 under RCW 9.41.040 to possess a firearm, if the records of  
34 disposition have not yet been reported or entered sufficiently to  
35 determine eligibility to purchase a firearm, the local jurisdiction  
36 or the state may hold the sale and delivery of the pistol or  
37 semiautomatic assault rifle up to thirty days in order to confirm  
38 existing records in this state or elsewhere. After thirty days, the  
39 hold will be lifted unless an extension of the thirty days is  
40 approved by a local district court, superior court, or municipal

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

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

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

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

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

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

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 shall contain two warnings substantially  
32 stated as follows:

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

38 (ii) CAUTION: The presence of a firearm in the home has been  
39 associated with an increased risk of death to self and others,

1 including an increased risk of suicide, death during domestic  
2 violence incidents, and unintentional deaths to children and others.

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 and  
5 firearms safety.

6 (c) The dealer shall, by the end of the business day, sign and  
7 attach his or her address and deliver a copy of the application and  
8 such other documentation as required under subsections (1) and (2) of  
9 this section to the chief of police of the municipality or the  
10 sheriff of the county of which the purchaser is a resident, or the  
11 state pursuant to subsection (3)(b) of this section. The triplicate  
12 shall be retained by the dealer for six years. The dealer shall  
13 deliver the pistol or semiautomatic assault rifle to the purchaser  
14 following the period of time specified in this chapter unless the  
15 dealer is notified of an investigative hold under subsection (5) of  
16 this section in writing by the chief of police of the municipality,  
17 the sheriff of the county, or the state, whichever is applicable, or  
18 of the denial of 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 purchase or possess the firearm under  
21 state or federal law.

22 (d) The chief of police of the municipality or the sheriff of the  
23 county, or the state pursuant to subsection (3)(b) of this section,  
24 shall retain or destroy applications to purchase a pistol or  
25 semiautomatic assault rifle in accordance with the requirements of 18  
26 U.S.C. Sec. 922.

27 (7)(a) To help offset the administrative costs of implementing  
28 this section as it relates to new requirements for semiautomatic  
29 assault rifles, the department of licensing may require the dealer to  
30 charge each semiautomatic assault rifle purchaser or transferee a fee  
31 not to exceed twenty-five dollars, except that the fee may be  
32 adjusted at the beginning of each biennium to levels not to exceed  
33 the percentage increase in the consumer price index for all urban  
34 consumers, CPI-W, or a successor index, for the previous biennium as  
35 calculated by the United States department of labor.

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

38 (i) The state for the cost of meeting its obligations under this  
39 section;

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

4 (iii) Local law enforcement agencies for state-mandated local  
5 costs resulting from the requirements set forth under RCW 9.41.090  
6 and this section.

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

10 (9) This section does not apply to sales to licensed dealers for  
11 resale or to the sale of antique firearms.

12 (10) The firearm safety training requirement in subsection (2)(a)  
13 of this section does not apply to the sale or transfer of a  
14 semiautomatic assault rifle to a person who is a law enforcement  
15 officer.

16 **Sec. 3.** 2019 c 244 s 2 (uncodified) is amended to read as  
17 follows:

18 (1) Section 1, chapter . . ., Laws of 2020 (section 1 of this  
19 act) and section 1, chapter 244, Laws of 2019 expire((§)) June 30,  
20 2022, if the contingency in subsection (2) of this section does not  
21 occur by December 31, 2021, as determined by the Washington state  
22 patrol.

23 (2) Section 1, chapter . . ., Laws of 2020 (section 1 of this  
24 act) and section 1, chapter 244, Laws of 2019 expire((§)) six months  
25 after the date on which the Washington state patrol determines that a  
26 single point of contact firearm background check system, for purposes  
27 of the federal Brady handgun violence prevention act (18 U.S.C. Sec.  
28 921 et seq.), is operational in the state.

29 (3) If section 1, chapter . . ., Laws of 2020 (section 1 of this  
30 act) and section 1, chapter 244, Laws of 2019 expire((§)) pursuant to  
31 subsection (2) of this section, the Washington state patrol must  
32 provide written notice of the expiration to the chief clerk of the  
33 house of representatives, the secretary of the senate, the office of  
34 the code reviser, and others as deemed appropriate by the Washington  
35 state patrol.

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