

ESSB 5985 - H COMM AMD

By Committee on Civil Rights & Judiciary

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

3 **"Sec. 1.** RCW 9.41.010 and 2023 c 295 s 2, 2023 c 262 s 1, and
4 2023 c 162 s 2 are each reenacted and amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Antique firearm" means a firearm or replica of a firearm not
8 designed or redesigned for using rim fire or conventional center fire
9 ignition with fixed ammunition and manufactured in or before 1898,
10 including any matchlock, flintlock, percussion cap, or similar type
11 of ignition system and also any firearm using fixed ammunition
12 manufactured in or before 1898, for which ammunition is no longer
13 manufactured in the United States and is not readily available in the
14 ordinary channels of commercial trade.

15 (2) (a) "Assault weapon" means:

16 (i) Any of the following specific firearms regardless of which
17 company produced and manufactured the firearm:

AK-47 in all forms
AK-74 in all forms
Algimec AGM-1 type semiautomatic
American Arms Spectre da semiautomatic carbine
AR15, M16, or M4 in all forms
AR 180 type semiautomatic
Argentine L.S.R. semiautomatic
Australian Automatic
Auto-Ordnance Thompson M1 and 1927 semiautomatics
Barrett .50 cal light semiautomatic
Barrett .50 cal M87

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Barrett .50 cal M107A1
Barrett REC7
Beretta AR70/S70 type semiautomatic
Bushmaster Carbon 15
Bushmaster ACR
Bushmaster XM-15
Bushmaster MOE
Calico models M100 and M900
CETME Sporter
CIS SR 88 type semiautomatic
Colt CAR 15
Daewoo K-1
Daewoo K-2
Dragunov semiautomatic
Fabrique Nationale FAL in all forms
Fabrique Nationale F2000
Fabrique Nationale L1A1 Sporter
Fabrique Nationale M249S
Fabrique Nationale PS90
Fabrique Nationale SCAR
FAMAS .223 semiautomatic
Galil
Heckler & Koch G3 in all forms
Heckler & Koch HK-41/91
Heckler & Koch HK-43/93
Heckler & Koch HK94A2/3
Heckler & Koch MP-5 in all forms
Heckler & Koch PSG-1
Heckler & Koch SL8
Heckler & Koch UMP
Manchester Arms Commando MK-45
Manchester Arms MK-9

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SAR-4800
SIG AMT SG510 in all forms
SIG SG550 in all forms
SKS
Spectre M4
Springfield Armory BM-59
Springfield Armory G3
Springfield Armory SAR-8
Springfield Armory SAR-48
Springfield Armory SAR-3
Springfield Armory M-21 sniper
Springfield Armory M1A
Smith & Wesson M&P 15
Sterling Mk 1
Sterling Mk 6/7
Steyr AUG
TNW M230
FAMAS F11
Uzi 9mm carbine/rifle

20 (ii) A semiautomatic rifle that has an overall length of less
21 than 30 inches;

22 (iii) A conversion kit, part, or combination of parts, from which
23 an assault weapon can be assembled or from which a firearm can be
24 converted into an assault weapon if those parts are in the possession
25 or under the control of the same person; or

26 (iv) A semiautomatic, center fire rifle that has the capacity to
27 accept a detachable magazine and has one or more of the following:

28 (A) A grip that is independent or detached from the stock that
29 protrudes conspicuously beneath the action of the weapon. The
30 addition of a fin attaching the grip to the stock does not exempt the
31 grip if it otherwise resembles the grip found on a pistol;

32 (B) Thumbhole stock;

33 (C) Folding or telescoping stock;

34 (D) Forward pistol, vertical, angled, or other grip designed for
35 use by the nonfiring hand to improve control;

1 (E) Flash suppressor, flash guard, flash eliminator, flash hider,
2 sound suppressor, silencer, or any item designed to reduce the visual
3 or audio signature of the firearm;

4 (F) Muzzle brake, recoil compensator, or any item designed to be
5 affixed to the barrel to reduce recoil or muzzle rise;

6 (G) Threaded barrel designed to attach a flash suppressor, sound
7 suppressor, muzzle break, or similar item;

8 (H) Grenade launcher or flare launcher; or

9 (I) A shroud that encircles either all or part of the barrel
10 designed to shield the bearer's hand from heat, except a solid
11 forearm of a stock that covers only the bottom of the barrel;

12 (v) A semiautomatic, center fire rifle that has a fixed magazine
13 with the capacity to accept more than 10 rounds;

14 (vi) A semiautomatic pistol that has the capacity to accept a
15 detachable magazine and has one or more of the following:

16 (A) A threaded barrel, capable of accepting a flash suppressor,
17 forward handgrip, or silencer;

18 (B) A second hand grip;

19 (C) A shroud that encircles either all or part of the barrel
20 designed to shield the bearer's hand from heat, except a solid
21 forearm of a stock that covers only the bottom of the barrel; or

22 (D) The capacity to accept a detachable magazine at some location
23 outside of the pistol grip;

24 (vii) A semiautomatic shotgun that has any of the following:

25 (A) A folding or telescoping stock;

26 (B) A grip that is independent or detached from the stock that
27 protrudes conspicuously beneath the action of the weapon. The
28 addition of a fin attaching the grip to the stock does not exempt the
29 grip if it otherwise resembles the grip found on a pistol;

30 (C) A thumbhole stock;

31 (D) A forward pistol, vertical, angled, or other grip designed
32 for use by the nonfiring hand to improve control;

33 (E) A fixed magazine in excess of seven rounds; or

34 (F) A revolving cylinder shotgun.

35 (b) For the purposes of this subsection, "fixed magazine" means
36 an ammunition feeding device contained in, or permanently attached
37 to, a firearm in such a manner that the device cannot be removed
38 without disassembly of the firearm action.

1 (c) "Assault weapon" does not include antique firearms, any
2 firearm that has been made permanently inoperable, or any firearm
3 that is manually operated by bolt, pump, lever, or slide action.

4 (3) "Assemble" means to fit together component parts.

5 (4) "Barrel length" means the distance from the bolt face of a
6 closed action down the length of the axis of the bore to the crown of
7 the muzzle, or in the case of a barrel with attachments to the end of
8 any legal device permanently attached to the end of the muzzle.

9 (5) "Bump-fire stock" means a butt stock designed to be attached
10 to a semiautomatic firearm with the effect of increasing the rate of
11 fire achievable with the semiautomatic firearm to that of a fully
12 automatic firearm by using the energy from the recoil of the firearm
13 to generate reciprocating action that facilitates repeated activation
14 of the trigger.

15 (6) "Conviction" or "convicted" means, whether in an adult court
16 or adjudicated in a juvenile court, that a plea of guilty has been
17 accepted or a verdict of guilty has been filed, or a finding of guilt
18 has been entered, notwithstanding the pendency of any future
19 proceedings including, but not limited to, sentencing or disposition,
20 posttrial or post-fact-finding motions, and appeals. "Conviction"
21 includes a dismissal entered after a period of probation, suspension,
22 or deferral of sentence, and also includes equivalent dispositions by
23 courts in jurisdictions other than Washington state.

24 (7) "Crime of violence" means:

25 (a) Any of the following felonies, as now existing or hereafter
26 amended: Any felony defined under any law as a class A felony or an
27 attempt to commit a class A felony, criminal solicitation of or
28 criminal conspiracy to commit a class A felony, manslaughter in the
29 first degree, manslaughter in the second degree, indecent liberties
30 if committed by forcible compulsion, kidnapping in the second degree,
31 arson in the second degree, assault in the second degree, assault of
32 a child in the second degree, extortion in the first degree, burglary
33 in the second degree, residential burglary, and robbery in the second
34 degree;

35 (b) Any conviction for a felony offense in effect at any time
36 prior to June 6, 1996, which is comparable to a felony classified as
37 a crime of violence in (a) of this subsection; and

38 (c) Any federal or out-of-state conviction for an offense
39 comparable to a felony classified as a crime of violence under (a) or
40 (b) of this subsection.

1 (8) "Curio or relic" has the same meaning as provided in 27
2 C.F.R. Sec. 478.11.

3 (9) "Dealer" means a person engaged in the business of selling
4 firearms at wholesale or retail who has, or is required to have, a
5 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
6 does not have, and is not required to have, a federal firearms
7 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
8 makes only occasional sales, exchanges, or purchases of firearms for
9 the enhancement of a personal collection or for a hobby, or sells all
10 or part of his or her personal collection of firearms.

11 (10) "Detachable magazine" means an ammunition feeding device
12 that can be loaded or unloaded while detached from a firearm and
13 readily inserted into a firearm.

14 (11) "Distribute" means to give out, provide, make available, or
15 deliver a firearm or large capacity magazine to any person in this
16 state, with or without consideration, whether the distributor is in-
17 state or out-of-state. "Distribute" includes, but is not limited to,
18 filling orders placed in this state, online or otherwise.
19 "Distribute" also includes causing a firearm or large capacity
20 magazine to be delivered in this state.

21 (12) "Domestic violence" has the same meaning as provided in RCW
22 10.99.020.

23 (13) "Family or household member" has the same meaning as in RCW
24 7.105.010.

25 (14) "Federal firearms dealer" means a licensed dealer as defined
26 in 18 U.S.C. Sec. 921(a)(11).

27 (15) "Federal firearms importer" means a licensed importer as
28 defined in 18 U.S.C. Sec. 921(a)(9).

29 (16) "Federal firearms manufacturer" means a licensed
30 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

31 (17) "Felony" means any felony offense under the laws of this
32 state or any federal or out-of-state offense comparable to a felony
33 offense under the laws of this state.

34 (18) "Felony firearm offender" means a person who has previously
35 been convicted or found not guilty by reason of insanity in this
36 state of any felony firearm offense. A person is not a felony firearm
37 offender under this chapter if any and all qualifying offenses have
38 been the subject of an expungement, pardon, annulment, certificate,
39 or rehabilitation, or other equivalent procedure based on a finding

1 of the rehabilitation of the person convicted or a pardon, annulment,
2 or other equivalent procedure based on a finding of innocence.

3 (19) "Felony firearm offense" means:

4 (a) Any felony offense that is a violation of this chapter;

5 (b) A violation of RCW 9A.36.045;

6 (c) A violation of RCW 9A.56.300;

7 (d) A violation of RCW 9A.56.310;

8 (e) Any felony offense if the offender was armed with a firearm
9 in the commission of the offense.

10 (20) "Firearm" means a weapon or device from which a projectile
11 or projectiles may be fired by an explosive such as gunpowder. For
12 the purposes of RCW 9.41.040, "firearm" also includes frames and
13 receivers. "Firearm" does not include a flare gun or other
14 pyrotechnic visual distress signaling device, or a powder-actuated
15 tool or other device designed solely to be used for construction
16 purposes.

17 (21)(a) "Frame or receiver" means a part of a firearm that, when
18 the complete firearm is assembled, is visible from the exterior and
19 provides housing or a structure designed to hold or integrate one or
20 more fire control components, even if pins or other attachments are
21 required to connect the fire control components. Any such part
22 identified with a serial number shall be presumed, absent an official
23 determination by the bureau of alcohol, tobacco, firearms, and
24 explosives or other reliable evidence to the contrary, to be a frame
25 or receiver.

26 (b) For purposes of this subsection, "fire control component"
27 means a component necessary for the firearm to initiate, complete, or
28 continue the firing sequence, including any of the following: Hammer,
29 bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing
30 pin, striker, or slide rails.

31 (22) "Gun" has the same meaning as firearm.

32 (23) "Import" means to move, transport, or receive an item from a
33 place outside the territorial limits of the state of Washington to a
34 place inside the territorial limits of the state of Washington.
35 "Import" does not mean situations where an individual possesses a
36 large capacity magazine or assault weapon when departing from, and
37 returning to, Washington state, so long as the individual is
38 returning to Washington in possession of the same large capacity
39 magazine or assault weapon the individual transported out of state.

1 (24) "Intimate partner" has the same meaning as provided in RCW
2 7.105.010.

3 (25) "Large capacity magazine" means an ammunition feeding device
4 with the capacity to accept more than 10 rounds of ammunition, or any
5 conversion kit, part, or combination of parts, from which such a
6 device can be assembled if those parts are in possession of or under
7 the control of the same person, but shall not be construed to include
8 any of the following:

9 (a) An ammunition feeding device that has been permanently
10 altered so that it cannot accommodate more than 10 rounds of
11 ammunition;

12 (b) A 22 caliber tube ammunition feeding device; or

13 (c) A tubular magazine that is contained in a lever-action
14 firearm.

15 (26) "Law enforcement officer" includes a general authority
16 Washington peace officer as defined in RCW 10.93.020, or a specially
17 commissioned Washington peace officer as defined in RCW 10.93.020.
18 "Law enforcement officer" also includes a limited authority
19 Washington peace officer as defined in RCW 10.93.020 if such officer
20 is duly authorized by his or her employer to carry a concealed
21 pistol.

22 (27) "Lawful permanent resident" has the same meaning afforded a
23 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
24 1101(a)(20).

25 (28) "Licensed collector" means a person who is federally
26 licensed under 18 U.S.C. Sec. 923(b).

27 (29) "Licensed dealer" means a person who is federally licensed
28 under 18 U.S.C. Sec. 923(a).

29 (30) "Loaded" means:

30 (a) There is a cartridge in the chamber of the firearm;

31 (b) Cartridges are in a clip that is locked in place in the
32 firearm;

33 (c) There is a cartridge in the cylinder of the firearm, if the
34 firearm is a revolver;

35 (d) There is a cartridge in the tube or magazine that is inserted
36 in the action; or

37 (e) There is a ball in the barrel and the firearm is capped or
38 primed if the firearm is a muzzle loader.

39 (31) "Machine gun" means any firearm known as a machine gun,
40 mechanical rifle, submachine gun, or any other mechanism or

1 instrument not requiring that the trigger be pressed for each shot
2 and having a reservoir clip, disc, drum, belt, or other separable
3 mechanical device for storing, carrying, or supplying ammunition
4 which can be loaded into the firearm, mechanism, or instrument, and
5 fired therefrom at the rate of five or more shots per second.

6 (32) "Manufacture" means, with respect to a firearm or large
7 capacity magazine, the fabrication, making, formation, production, or
8 construction of a firearm or large capacity magazine, by manual labor
9 or by machinery.

10 (33) "Mental health professional" means a psychiatrist,
11 psychologist, or physician assistant working with a supervising
12 psychiatrist, psychiatric advanced registered nurse practitioner,
13 psychiatric nurse, social worker, mental health counselor, marriage
14 and family therapist, or such other mental health professionals as
15 may be defined in statute or by rules adopted by the department of
16 health pursuant to the provisions of chapter 71.05 RCW.

17 (34) "Nonimmigrant alien" means a person defined as such in 8
18 U.S.C. Sec. 1101(a)(15).

19 (35) "Person" means any individual, corporation, company,
20 association, firm, partnership, club, organization, society, joint
21 stock company, or other legal entity.

22 (36) "Pistol" means any firearm with a barrel less than 16 inches
23 in length, or is designed to be held and fired by the use of a single
24 hand.

25 (37) "Rifle" means a weapon designed or redesigned, made or
26 remade, and intended to be fired from the shoulder and designed or
27 redesigned, made or remade, and intended to use the energy of the
28 explosive in a fixed metallic cartridge to fire only a single
29 projectile through a rifled bore for each single pull of the trigger.

30 (38) "Sale" and "sell" mean the actual approval of the delivery
31 of a firearm in consideration of payment or promise of payment.

32 (39) "Secure gun storage" means:

33 (a) A locked box, gun safe, or other secure locked storage space
34 that is designed to prevent unauthorized use or discharge of a
35 firearm; and

36 (b) The act of keeping an unloaded firearm stored by such means.

37 (40) "Semiautomatic" means any firearm which utilizes a portion
38 of the energy of a firing cartridge to extract the fired cartridge
39 case and chamber the next round, and which requires a separate pull
40 of the trigger to fire each cartridge.

1 (41)(a) "Semiautomatic assault rifle" means any rifle which
2 utilizes a portion of the energy of a firing cartridge to extract the
3 fired cartridge case and chamber the next round, and which requires a
4 separate pull of the trigger to fire each cartridge.

5 (b) "Semiautomatic assault rifle" does not include antique
6 firearms, any firearm that has been made permanently inoperable, or
7 any firearm that is manually operated by bolt, pump, lever, or slide
8 action.

9 (42) "Serious offense" means any of the following felonies or a
10 felony attempt to commit any of the following felonies, as now
11 existing or hereafter amended:

12 (a) Any crime of violence;

13 (b) Any felony violation of the uniform controlled substances
14 act, chapter 69.50 RCW, that is classified as a class B felony or
15 that has a maximum term of imprisonment of at least 10 years;

16 (c) Child molestation in the second degree;

17 (d) Incest when committed against a child under age 14;

18 (e) Indecent liberties;

19 (f) Leading organized crime;

20 (g) Promoting prostitution in the first degree;

21 (h) Rape in the third degree;

22 (i) Drive-by shooting;

23 (j) Sexual exploitation;

24 (k) Vehicular assault, when caused by the operation or driving of
25 a vehicle by a person while under the influence of intoxicating
26 liquor or any drug or by the operation or driving of a vehicle in a
27 reckless manner;

28 (l) Vehicular homicide, when proximately caused by the driving of
29 any vehicle by any person while under the influence of intoxicating
30 liquor or any drug as defined by RCW 46.61.502, or by the operation
31 of any vehicle in a reckless manner;

32 (m) Any other class B felony offense with a finding of sexual
33 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

34 (n) Any other felony with a deadly weapon verdict under RCW
35 9.94A.825;

36 (o) Any felony offense in effect at any time prior to June 6,
37 1996, that is comparable to a serious offense, or any federal or out-
38 of-state conviction for an offense that under the laws of this state
39 would be a felony classified as a serious offense;

40 (p) Any felony conviction under RCW 9.41.115; or

1 (q) Any felony charged under RCW 46.61.502(6) or 46.61.504(6).

2 (43) "Sex offense" has the same meaning as provided in RCW
3 9.94A.030.

4 (44) "Short-barreled rifle" means a rifle having one or more
5 barrels less than 16 inches in length and any weapon made from a
6 rifle by any means of modification if such modified weapon has an
7 overall length of less than 26 inches.

8 (45) "Short-barreled shotgun" means a shotgun having one or more
9 barrels less than 18 inches in length and any weapon made from a
10 shotgun by any means of modification if such modified weapon has an
11 overall length of less than 26 inches.

12 (46) "Shotgun" means a weapon with one or more barrels, designed
13 or redesigned, made or remade, and intended to be fired from the
14 shoulder and designed or redesigned, made or remade, and intended to
15 use the energy of the explosive in a fixed shotgun shell to fire
16 through a smooth bore either a number of ball shot or a single
17 projectile for each single pull of the trigger.

18 (47) "Substance use disorder professional" means a person
19 certified under chapter 18.205 RCW.

20 (48) "Transfer" means the intended delivery of a firearm to
21 another person without consideration of payment or promise of payment
22 including, but not limited to, gifts and loans. "Transfer" does not
23 include the delivery of a firearm owned or leased by an entity
24 licensed or qualified to do business in the state of Washington to,
25 or return of such a firearm by, any of that entity's employees or
26 agents, defined to include volunteers participating in an honor
27 guard, for lawful purposes in the ordinary course of business.

28 (49) "Undetectable firearm" means any firearm that is not as
29 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through
30 metal detectors or magnetometers commonly used at airports or any
31 firearm where the barrel, the slide or cylinder, or the frame or
32 receiver of the firearm would not generate an image that accurately
33 depicts the shape of the part when examined by the types of X-ray
34 machines commonly used at airports.

35 (50)(a) "Unfinished frame or receiver" means a frame or receiver
36 that is partially complete, disassembled, or inoperable, that: (i)
37 Has reached a stage in manufacture where it may readily be completed,
38 assembled, converted, or restored to a functional state; or (ii) is
39 marketed or sold to the public to become or be used as the frame or
40 receiver of a functional firearm once finished or completed,

1 including without limitation products marketed or sold to the public
2 as an 80 percent frame or receiver or unfinished frame or receiver.

3 (b) For purposes of this subsection:

4 (i) "Readily" means a process that is fairly or reasonably
5 efficient, quick, and easy, but not necessarily the most efficient,
6 speedy, or easy process. Factors relevant in making this
7 determination, with no single one controlling, include the following:
8 (A) Time, i.e., how long it takes to finish the process; (B) ease,
9 i.e., how difficult it is to do so; (C) expertise, i.e., what
10 knowledge and skills are required; (D) equipment, i.e., what tools
11 are required; (E) availability, i.e., whether additional parts are
12 required, and how easily they can be obtained; (F) expense, i.e., how
13 much it costs; (G) scope, i.e., the extent to which the subject of
14 the process must be changed to finish it; and (H) feasibility, i.e.,
15 whether the process would damage or destroy the subject of the
16 process, or cause it to malfunction.

17 (ii) "Partially complete," as it modifies frame or receiver,
18 means a forging, casting, printing, extrusion, machined body, or
19 similar article that has reached a stage in manufacture where it is
20 clearly identifiable as an unfinished component part of a firearm.

21 (51) "Unlicensed person" means any person who is not a licensed
22 dealer under this chapter.

23 (52) "Untraceable firearm" means any firearm manufactured after
24 July 1, 2019, that is not an antique firearm and that cannot be
25 traced by law enforcement by means of a serial number affixed to the
26 firearm by a federal firearms manufacturer, federal firearms
27 importer, or federal firearms dealer in compliance with all federal
28 laws and regulations.

29 (53) "Washington state patrol firearms background check program"
30 means the division within the state patrol that conducts background
31 checks for all firearm transfers and the disposition of firearms.

32 **Sec. 2.** RCW 9.41.049 and 2020 c 302 s 61 are each amended to
33 read as follows:

34 (1) When a designated crisis responder files a petition for
35 initial detention under RCW 71.05.150 or 71.05.153 on the grounds
36 that the person presents a likelihood of serious harm, the petition
37 shall include a copy of the person's driver's license or identicard
38 or comparable information such as their name, address, and date of
39 birth. If the person is not subsequently committed for involuntary

1 treatment under RCW 71.05.240, the court shall forward within three
2 business days of the probable cause hearing a copy of the person's
3 driver's license or identicard, or comparable information, along with
4 the date of release from the facility, to the department of licensing
5 and to the Washington state patrol firearms background check program,
6 who shall forward the information to the national instant criminal
7 background check system index, denied persons file, created by the
8 federal Brady handgun violence prevention act (P.L. 103-159). Upon
9 expiration of the six-month period during which the person's right to
10 possess a firearm is suspended as provided in RCW 71.05.182, the
11 Washington state patrol (~~shall forward to the national instant~~
12 ~~criminal background check system index, denied persons file, notice~~
13 ~~that the person's right to possess a firearm has been restored~~)
14 firearms background check program must remove the person from the
15 national instant criminal background check system.

16 (2) Upon receipt of the information provided for by subsection
17 (1) of this section, the department of licensing shall determine if
18 the detained person has a concealed pistol license. If the person
19 does have a concealed pistol license, the department of licensing
20 shall immediately notify the license-issuing authority, which, upon
21 receipt of such notification, shall immediately suspend the license
22 for a period of six months from the date of the person's release from
23 the facility.

24 (3) A person who is prohibited from possessing a firearm by
25 reason of having been detained under RCW 71.05.150 or 71.05.153 may,
26 upon discharge, petition the superior court to have his or her right
27 to possess a firearm restored before the six-month suspension period
28 has elapsed by following the procedures provided in RCW 9.41.047(3).

29 **Sec. 3.** RCW 9.41.111 and 2020 c 36 s 1 are each amended to read
30 as follows:

31 (1) Beginning on the date that is thirty days after the
32 Washington state patrol issues a notification to dealers that a state
33 firearms background check system is established within the Washington
34 state patrol, a dealer shall use the state firearms background check
35 system to conduct background checks for purchases or transfers of
36 firearm frames or receivers in accordance with this section.

37 (~~(a)~~) (2) A dealer may not deliver a firearm frame or receiver
38 to a purchaser or transferee unless the dealer first conducts a
39 background check of the applicant through the state firearms

1 background check system and the requirements ~~((or))~~ and time periods
2 in RCW 9.41.092 ~~((1))~~ have been satisfied.

3 ~~((b))~~ (3) When processing an application for the purchase or
4 transfer of a firearm frame or receiver, a dealer shall comply with
5 the application, recordkeeping, and other requirements of this
6 chapter that apply to the sale or transfer of a pistol.

7 ~~((e))~~ (4) A signed application for the purchase or transfer of
8 a firearm frame or receiver shall constitute a waiver of
9 confidentiality and written request that the health care authority,
10 mental health institutions, and other health care facilities release,
11 to an inquiring court, law enforcement agency, or ~~((the state))~~ the
12 Washington state patrol firearms background check program,
13 information relevant to the applicant's eligibility to possess a
14 firearm. Any mental health information received by a court, law
15 enforcement agency, or ~~((the state))~~ the Washington state patrol
16 firearms background check program pursuant to this section shall not
17 be disclosed except as provided in RCW 42.56.240(4).

18 ~~((d))~~ (5) The department of licensing shall keep copies or
19 records of applications for the purchase or transfer of a firearm
20 frame or receiver and copies or records of firearm frame or receiver
21 transfers in the same manner as pistol and semiautomatic assault
22 rifle application and transfer records under RCW 9.41.129.

23 ~~((e))~~ (6) A person who knowingly makes a false statement
24 regarding identity or eligibility requirements on the application to
25 purchase a firearm frame or receiver is guilty of false swearing
26 under RCW 9A.72.040.

27 ~~((f))~~ (7) This section does not apply to sales or transfers of
28 firearm frames or receivers to licensed dealers.

29 ~~((2) For the purposes of this section, "firearm frame or~~
30 ~~receiver" means the federally regulated part of a firearm that~~
31 ~~provides housing for the hammer, bolt or breechblock, and firing~~
32 ~~mechanism, and which is usually threaded at its forward portion to~~
33 ~~receive the barrel.))~~

34 **Sec. 4.** RCW 9.41.114 and 2020 c 28 s 5 are each amended to read
35 as follows:

36 Upon denying an application for the purchase or transfer of a
37 firearm as a result of a background check by the Washington state
38 patrol firearms background check program or completed and submitted
39 firearm purchase or transfer application that indicates the applicant

1 is ineligible to possess a firearm under state or federal law, the
2 dealer shall:

3 (1) Provide the applicant with a copy of a notice form generated
4 and distributed by the Washington state patrol firearms background
5 check program under RCW 43.43.823(6), informing denied applicants of
6 their right to appeal the denial; and

7 (2) Retain the original records of the attempted purchase or
8 transfer of a firearm for a period not less than six years.

9 **Sec. 5.** RCW 9.41.350 and 2023 c 262 s 3 are each amended to read
10 as follows:

11 (1) A person may file a voluntary waiver of firearm rights,
12 either in writing or electronically, with the clerk of the court in
13 any county in Washington state. The clerk of the court must request a
14 physical or scanned copy of photo identification to verify the
15 person's identity prior to accepting the form. The person filing the
16 form may provide the name of a family member, mental health
17 professional, substance use disorder professional, or alternate
18 person to be contacted if the filer attempts to purchase a firearm
19 while the voluntary waiver of firearm rights is in effect or if the
20 filer applies to have the voluntary waiver revoked. The clerk of the
21 court must immediately give notice to the person filing the form and
22 any listed family member, mental health professional, substance use
23 disorder professional, or alternate person if the filer's voluntary
24 waiver of firearm rights has been accepted. The notice must state
25 that the filer's possession or control of a firearm is unlawful under
26 RCW 9.41.040(7) and that any firearm in the filer's possession or
27 control should be surrendered immediately. By the end of the business
28 day, the clerk of the court must transmit the accepted form to the
29 Washington state patrol firearms background check program. The
30 Washington state patrol firearms background check program must enter
31 the voluntary waiver of firearm rights into the national instant
32 criminal background check system and any other federal or state
33 computer-based systems used by law enforcement agencies or others to
34 identify prohibited purchasers of firearms within twenty-four hours
35 of receipt of the form. Copies and records of the voluntary waiver of
36 firearm rights shall not be disclosed except to law enforcement
37 agencies.

38 (2) A filer of a voluntary waiver of firearm rights may update
39 the contact information for any family member, mental health

1 professional, substance use disorder professional, or alternate
2 person provided under subsection (1) of this section by making an
3 electronic or written request to the clerk of the court in the same
4 county where the voluntary waiver of firearm rights was filed. The
5 clerk of the court must request a physical or scanned copy of photo
6 identification to verify the person's identity prior to updating the
7 contact information on the form. By the end of the business day, the
8 clerk of the court must transmit the updated contact information to
9 the Washington state patrol.

10 (3) No sooner than seven calendar days after filing a voluntary
11 waiver of firearm rights, the person may file a revocation of the
12 voluntary waiver of firearm rights, either in writing or
13 electronically, in the same county where the voluntary waiver of
14 firearm rights was filed. The clerk of the court must request a
15 physical or scanned copy of photo identification to verify the
16 person's identity prior to accepting the form. By the end of the
17 business day, the clerk of the court must transmit the form to the
18 Washington state patrol firearms background check program and to any
19 family member, mental health professional, substance use disorder
20 professional, or alternate person listed on the voluntary waiver of
21 firearm rights. Within seven days of receiving a revocation of a
22 voluntary waiver of firearm rights, the Washington state patrol
23 firearms background check program must remove the person from the
24 national instant criminal background check system, and any other
25 federal or state computer-based systems used by law enforcement
26 agencies or others to identify prohibited purchasers of firearms in
27 which the person was entered, unless the person is otherwise
28 ineligible to possess a firearm under RCW 9.41.040, and destroy all
29 records of the voluntary waiver.

30 (4) A person who knowingly makes a false statement regarding
31 their identity on the voluntary waiver of firearm rights form or
32 revocation of waiver of firearm rights form is guilty of false
33 swearing under RCW 9A.72.040.

34 (5) Neither a voluntary waiver of firearm rights nor a revocation
35 of a voluntary waiver of firearm rights shall be considered by a
36 court in any legal proceeding.

37 (6) A voluntary waiver of firearm rights may not be required of
38 an individual as a condition for receiving employment, benefits, or
39 services.

1 (7) All records obtained and all reports produced, as required by
2 this section, are not subject to disclosure through the public
3 records act under chapter 42.56 RCW.

4 **Sec. 6.** RCW 43.43.823 and 2020 c 28 s 6 are each amended to read
5 as follows:

6 (1) The Washington state patrol firearms background check program
7 shall report each instance where an application for the purchase or
8 transfer of a firearm is denied as the result of a background check
9 that indicates the applicant is ineligible to possess a firearm to
10 the local law enforcement agency in the jurisdiction where the
11 attempted purchase or transfer took place. The reported information
12 must include the identifying information of the applicant, the date
13 of the application and denial of the application, the basis for the
14 denial of the application, and other information deemed appropriate
15 by the Washington state patrol firearms background check program.

16 (2) The Washington state patrol firearms background check program
17 must incorporate the information concerning any person whose
18 application for the purchase or transfer of a firearm is denied as
19 the result of a background check into its electronic database
20 accessible to law enforcement agencies and officers, including
21 federally recognized Indian tribes, that have a connection to the
22 Washington state patrol firearms background check program electronic
23 database.

24 (3) Upon appeal of a background check denial, the Washington
25 state patrol firearms background check program shall immediately
26 remove the record of the person from its electronic database
27 accessible to law enforcement agencies and officers and keep a
28 separate record of the person's information until such time as the
29 appeal has been resolved. If the appeal is denied, the Washington
30 state patrol firearms background check program shall put the person's
31 background check denial information back in its electronic database
32 accessible to law enforcement agencies and officers.

33 (4) Upon receipt of satisfactory proof that a person is no longer
34 ineligible to possess a firearm under state or federal law, the
35 Washington state patrol firearms background check program must remove
36 any record of the person's denied firearms purchase or transfer
37 application from its electronic database accessible to law
38 enforcement agencies and officers.

1 (5) In any case where the purchase or transfer of a firearm is
2 initially denied as the result of a background check that indicates
3 the applicant is ineligible to possess a firearm, but the purchase or
4 transfer is subsequently approved, the Washington state patrol
5 firearms background check program must remove any record of the
6 person's denied firearms purchase or transfer application from its
7 electronic database accessible to law enforcement agencies and
8 officers within five business days and report the subsequent approval
9 to the local law enforcement agency that received notification of the
10 original denial.

11 (6) The Washington state patrol firearms background check program
12 shall generate and distribute a notice form to all firearm dealers,
13 to be provided by the dealers to applicants denied the purchase or
14 transfer of a firearm as a result of a background check that
15 indicates the applicant is ineligible to possess a firearm. The
16 notice form must contain the following statements:

17 State law requires that the Washington state patrol transmit the
18 following information to the local law enforcement agency as a result
19 of your firearm purchase or transfer denial within five days of the
20 denial:

21 (a) Identifying information of the applicant;

22 (b) The date of the application and denial of the
23 application;

24 (c) The basis for the denial; and

25 (d) Other information as determined by the Washington state
26 patrol firearms background check program.

27 If you believe this denial is in error, and you do not exercise
28 your right to appeal, you may be subject to criminal investigation by
29 the Washington state patrol and/or a local law enforcement agency.

30 The notice form shall also contain information directing the
31 applicant to a website describing the process of appealing a
32 background check system denial and refer the applicant to the
33 Washington state patrol firearms background check program for
34 information on a denial based on a state background check. The notice
35 form shall also contain a phone number for a contact at the
36 Washington state patrol to direct the person to resources regarding
37 an individual's right to appeal a background check denial.

38 (7) The Washington state patrol shall provide to the Washington
39 association of sheriffs and police chiefs any information necessary

1 for the administration of the grant program in RCW 36.28A.420,
2 providing notice to a protected person pursuant to RCW 36.28A.410, or
3 preparation of the report required under RCW 36.28A.405.

4 (8) The Washington state patrol may adopt rules as are necessary
5 to carry out the purposes of this section.

6 **Sec. 7.** RCW 43.43.580 and 2022 c 105 s 7 are each amended to
7 read as follows:

8 (1) The Washington state patrol shall establish a firearms
9 background check (~~unit~~) program to serve as a centralized single
10 point of contact for dealers to conduct background checks for
11 firearms sales or transfers required under chapter 9.41 RCW and the
12 federal Brady handgun violence prevention act (18 U.S.C. Sec. 921 et
13 seq.). The Washington state patrol shall establish an automated
14 firearms background check system to conduct background checks on
15 applicants for the purchase or transfer of a firearm. The system must
16 include the following characteristics:

17 (a) Allow a dealer to contact the Washington state patrol through
18 a web portal or other electronic means and by telephone to request a
19 background check of an applicant for the purchase or transfer of a
20 firearm;

21 (b) Provide a dealer with a notification that a firearm purchase
22 or transfer application has been received;

23 (c) Assign a unique identifier to the background check inquiry;

24 (d) Provide an automated response to the dealer indicating
25 whether the transfer may proceed or is denied, or that the check is
26 indeterminate and will require further investigation;

27 (e) Include measures to ensure data integrity and the
28 confidentiality and security of all records and data transmitted and
29 received by the system; and

30 (f) Include a performance metrics tracking system to evaluate the
31 performance of the background check system.

32 (2) Upon receipt of a request from a dealer for a background
33 check in connection with the sale or transfer of a firearm, the
34 Washington state patrol shall:

35 (a) Provide the dealer with a notification that a firearm
36 transfer application has been received;

37 (b) Conduct a check of the national instant criminal background
38 check system and the following additional records systems to
39 determine whether the transferee is prohibited from possessing a

1 firearm under state or federal law: (i) The Washington crime
2 information center and Washington state identification system; (ii)
3 the health care authority electronic database; (iii) the federal
4 bureau of investigation national data exchange database and any
5 available repository of statewide local law enforcement record
6 management systems information; (iv) the administrative office of the
7 courts case management system; and (v) other databases or resources
8 as appropriate;

9 (c) Perform an equivalency analysis on criminal charges in
10 foreign jurisdictions to determine if the applicant has been
11 convicted as defined in RCW 9.41.040(3) and if the offense is
12 equivalent to a Washington felony as defined in RCW 9.41.010;

13 (d) Notify the dealer without delay that the records indicate the
14 individual is prohibited from possessing a firearm and the transfer
15 is denied or that the individual is approved to complete the
16 transfer. If the results of the background check are indeterminate,
17 the Washington state patrol shall notify the dealer of the delay and
18 conduct necessary research and investigation to resolve the inquiry;
19 and

20 (e) Provide the dealer with a unique identifier for the inquiry.

21 (3) The Washington state patrol may hold the delivery of a
22 firearm to an applicant under the circumstances provided in RCW
23 9.41.090 (4) and (5).

24 (4)(a) The Washington state patrol shall require a dealer to
25 charge each firearm purchaser or transferee a fee for performing
26 background checks in connection with firearms transfers. The fee must
27 be set at an amount necessary to cover the annual costs of operating
28 and maintaining the firearm background check system but shall not
29 exceed eighteen dollars. The Washington state patrol shall transmit
30 the fees collected to the state treasurer for deposit in the state
31 firearms background check system account created in RCW 43.43.590. It
32 is the intent of the legislature that once the state firearm
33 background check system is established, the fee established in this
34 section will replace the fee required in RCW 9.41.090(7).

35 (b) The background check fee required under this subsection does
36 not apply to any background check conducted in connection with a
37 pawnbroker's receipt of a pawned firearm or the redemption of a
38 pawned firearm.

39 (5) The Washington state patrol shall establish a procedure for a
40 person who has been denied a firearms transfer as the result of a

1 background check to appeal the denial to the Washington state patrol
2 and to obtain information on the basis for the denial and procedures
3 to review and correct any erroneous records that led to the denial.

4 (6) The Washington state patrol shall work with the
5 administrative office of the courts to build a link between the
6 firearm background check system and the administrative office of the
7 courts case management system for the purpose of accessing court
8 records to determine a person's eligibility to possess a firearm.

9 (7) Upon establishment of the firearm background check system
10 under this section, the Washington state patrol shall notify each
11 dealer in the state of the existence of the system, and the dealer
12 must use the system to conduct background checks for firearm sales or
13 transfers beginning on the date that is thirty days after issuance of
14 the notification.

15 (8) The Washington state patrol shall consult with the Washington
16 background check advisory board created in RCW 43.43.585 in carrying
17 out its duties under this section.

18 (9) No later than July 1, 2025, and annually thereafter, the
19 Washington state patrol firearms background check program shall
20 report to the appropriate committees of the legislature the average
21 time between receipt of request for a background check and final
22 decision.

23 (10) All records and information prepared, obtained, used, or
24 retained by the Washington state patrol in connection with a request
25 for a firearm background check are exempt from public inspection and
26 copying under chapter 42.56 RCW.

27 ~~((10))~~ (11) The Washington state patrol may adopt rules
28 necessary to carry out the purposes of this section.

29 ~~((11))~~ (12) For the purposes of this section, "dealer" has the
30 same meaning as given in RCW 9.41.010.

31 NEW SECTION. Sec. 8. This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect immediately."

35 Correct the title.

EFFECT: (1) Clarifies the definition of the Washington State
Patrol Firearms Background Check Program.

(2) Clarifies multiple references to firearms by removing language included in the defined term.

(3) Clarifies that a dealer must comply with the application, recordkeeping, and other requirements of the chapter that apply to the sale or transfer of a firearm when processing an application for the purchase or transfer of a firearm frame or receiver.

(4) Replaces a definition of "frame or receiver" that applied to background checks with the existing definition that applies to the entire chapter.

(5) Corrects multiple references to the Washington State Patrol Firearms Background Check Program.

(6) Clarifies that the retention of records of a denial of an attempted purchase or transfer applies to a firearm.

(7) Replaces the effective date of the act with an emergency clause and changes the bill to have a prospective application.

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