

**RCW 43.43.823 Incorporation of denied firearm transaction records—Removal of record, when required—Notice—Rules. (Contingent expiration date.)**

(1) Upon receipt of the information from the Washington association of sheriffs and police chiefs pursuant to RCW 36.28A.400, the Washington state patrol must incorporate the information into its electronic database accessible to law enforcement agencies and officers, including federally recognized Indian tribes, that have a connection to the Washington state patrol electronic database.

(2) Upon receipt of documentation that a person has appealed a background check denial, the Washington state patrol shall immediately remove the record of the person initially reported pursuant to RCW 36.28A.400 from its electronic database accessible to law enforcement agencies and officers. The Washington state patrol must keep a separate record of the person's information for a period of one year or until such time as the appeal has been resolved. Every twelve months, the Washington state patrol shall notify the person that the person must provide documentation that his or her appeal is still pending or the record of the person's background check denial will be put back in its electronic database accessible to law enforcement agencies and officers. At any time, upon receipt of documentation that a person's appeal has been granted, the Washington state patrol shall remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(3) Upon receipt of satisfactory proof that a person who was reported to the Washington state patrol pursuant to RCW 36.28A.400 is no longer ineligible to possess a firearm under state or federal law, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(4) Upon receipt of notification from the Washington association of sheriffs and police chiefs that a person originally denied the purchase or transfer of a firearm as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law has subsequently been approved for the purchase or transfer, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers within five business days.

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

State law requires that I transmit the following information to the Washington association of sheriffs and police chiefs as a result of your firearm purchase or transfer denial within five days of the denial:

- (a) Identifying information of the applicant;
- (b) The date of the application and denial of the application;
- (c) Other information as prescribed by the Washington association of sheriffs and police chiefs.

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

The notice form shall also contain information directing the applicant to a website describing the process of appealing a national instant criminal background check system denial through the federal bureau of investigation and refer the applicant to local law enforcement for information on a denial based on a state background check. The notice form shall also contain a phone number for a contact at the Washington state patrol to direct the person to resources regarding an individual's right to appeal a background check denial.

(6) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section. [2018 c 22 § 11; 2017 c 261 § 3.]

**Explanatory statement—2018 c 22:** See note following RCW 1.20.051.

**RCW 43.43.823 Denied firearm transaction records—Removal of record, when required—Notice—Rules. (Contingent effective date.)** (1)

The Washington state patrol shall report each instance where an application for the purchase or transfer of a firearm is denied as the result of a background check that indicates the applicant is ineligible to possess a firearm to the local law enforcement agency in the jurisdiction where the attempted purchase or transfer took place. The reported information must include the identifying information of the applicant, the date of the application and denial of the application, the basis for the denial of the application, and other information deemed appropriate by the Washington state patrol.

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

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

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

(5) In any case where the purchase or transfer of a firearm is initially denied as the result of a background check that indicates the applicant is ineligible to possess a firearm, but the purchase or transfer is subsequently approved, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer

application from its electronic database accessible to law enforcement agencies and officers within five business days and report the subsequent approval to the local law enforcement agency that received notification of the original denial.

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

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

- (a) Identifying information of the applicant;
- (b) The date of the application and denial of the application;
- (c) The basis for the denial; and
- (d) Other information as determined by the Washington state patrol.

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

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

(7) The Washington state patrol shall provide to the Washington association of sheriffs and police chiefs any information necessary for the administration of the grant program in RCW 36.28A.420, providing notice to a protected person pursuant to RCW 36.28A.410, or preparation of the report required under RCW 36.28A.405.

(8) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section. [2020 c 28 § 6; 2018 c 22 § 11; 2017 c 261 § 3.]

**Contingent effective date—2020 c 28 §§ 5-9:** See note following RCW 9.41.114.

**Explanatory statement—2018 c 22:** See note following RCW 1.20.051.