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SENATE BILL 5023

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators Fairley, Wojahn, C. Anderson and Pelz

Read first time 01/09/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to pistol safety; reenacting and amending RCW  
2 9.41.090; and adding a new section to chapter 9.41 RCW.

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

4            **Sec. 1.** RCW 9.41.090 and 1994 1st sp.s. c 7 s 410 and 1994 c 264  
5 s 1 are each reenacted and 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 the  
9 dealer has recorded the purchaser's name, license number, and issuing  
10 agency, such record to be made in triplicate and processed as provided  
11 in subsection (~~((5))~~) (6) of this section;

12            (b) The dealer is notified in writing by the chief of police or the  
13 sheriff of the jurisdiction in which the purchaser resides that the  
14 purchaser is eligible to possess a pistol under RCW 9.41.040 and that  
15 the application to purchase is approved by the chief of police or  
16 sheriff; or

17            (c) Five business days, meaning days on which state offices are  
18 open, have elapsed from the time of receipt of the application for the  
19 purchase thereof as provided herein by the chief of police or sheriff

1 designated in subsection (~~((5))~~) (6) of this section, and, when  
2 delivered, the pistol shall be securely wrapped and shall be unloaded.  
3 However, if the purchaser does not have a valid permanent Washington  
4 driver's license or state identification card or has not been a  
5 resident of the state for the previous consecutive ninety days, the  
6 waiting period under this subsection (1)(c) shall be up to sixty days.

7 (2)(a) No commercial seller may deliver a pistol to a purchaser  
8 until the purchaser presents a certificate indicating satisfactory  
9 completion of a training course approved by the department of fish and  
10 wildlife in the safe handling and use of pistols.

11 (b) The provisions of this subsection do not apply to:

12 (i) Law enforcement officers;

13 (ii) Members of the army, navy, or marine corps of the United  
14 States or of the national guard or organized reserves;

15 (iii) Officers or employees of the United States duly authorized to  
16 carry a concealed pistol; or

17 (iv) Sales to dealers for resale.

18 (3)(a) Except as provided in (b) of this subsection, in determining  
19 whether the purchaser meets the requirements of RCW 9.41.040, the chief  
20 of police or sheriff, or the designee of either, shall check with the  
21 national crime information center, the Washington state patrol  
22 electronic data base, the department of social and health services  
23 electronic data base, and with other agencies or resources as  
24 appropriate, to determine whether the applicant is ineligible under RCW  
25 9.41.040 to possess a firearm.

26 (b) Once the system is established, a dealer shall use the national  
27 instant criminal background check system, provided for by the Brady  
28 Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make  
29 criminal background checks of applicants to purchase firearms.  
30 However, a chief of police or sheriff, or a designee of either, shall  
31 continue to check the department of social and health services'  
32 electronic data base and with other agencies or resources as  
33 appropriate, to determine whether applicants are ineligible under RCW  
34 9.41.040 to possess a firearm.

35 (~~((3))~~) (4) In any case under subsection (1)(c) of this section  
36 where the applicant has an outstanding warrant for his or her arrest  
37 from any court of competent jurisdiction for a felony or misdemeanor,  
38 the dealer shall hold the delivery of the pistol until the warrant for  
39 arrest is served and satisfied by appropriate court appearance. The

1 local jurisdiction for purposes of the sale shall confirm the existence  
2 of outstanding warrants within seventy-two hours after notification of  
3 the application to purchase a pistol is received. The local  
4 jurisdiction shall also immediately confirm the satisfaction of the  
5 warrant on request of the dealer so that the hold may be released if  
6 the warrant was for an offense other than an offense making a person  
7 ineligible under RCW 9.41.040 to possess a pistol.

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

25 ~~((+5))~~ (6) At the time of applying for the purchase of a pistol,  
26 the purchaser shall sign in triplicate and deliver to the dealer an  
27 application containing his or her full name, street address, date and  
28 place of birth, race, and gender; the date and hour of the application;  
29 the applicant's driver's license number or state identification card  
30 number; a description of the pistol including the make, model, caliber  
31 and manufacturer's number; and a statement that the purchaser is  
32 eligible to possess a pistol under RCW 9.41.040.

33 The application shall contain a warning substantially as follows:

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

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, firearms  
3 safety, and the fact that local laws and ordinances on firearms are  
4 preempted by state law and must be consistent with state law.

5 The dealer shall, by the end of the business day, sign and attach  
6 his or her address and deliver the original of the application and such  
7 other documentation as required under subsection (1) of this section to  
8 the chief of police of the municipality or the sheriff of the county of  
9 which the purchaser is a resident. The dealer shall deliver the pistol  
10 to the purchaser following the period of time specified in this section  
11 unless the dealer is notified in writing by the chief of police of the  
12 municipality or the sheriff of the county, whichever is applicable,  
13 denying the purchaser's application to purchase and the grounds  
14 thereof. The application shall not be denied unless the purchaser is  
15 not eligible to possess a pistol under RCW 9.41.040.

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

19 ~~((+6+))~~ (7) A person who knowingly makes a false statement  
20 regarding identity or eligibility requirements on the application to  
21 purchase a pistol is guilty of false swearing under RCW 9A.72.040.

22 ~~((+7+))~~ (8) This section does not apply to sales to licensed  
23 dealers for resale or to the sale of antique firearms.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW  
25 to read as follows:

26 The director of the department of fish and wildlife shall adopt  
27 standards for, and approve, training courses in the safe handling and  
28 use of pistols.

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