
HOUSE BILL 1465

State of Washington

66th Legislature

2019 Regular Session

By Representatives Goodman, Jenkins, and Santos

Read first time 01/22/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to requirements for pistol sales or transfers;
2 amending RCW 9.41.090; providing an effective date; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 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 purchaser produces a valid concealed pistol license and
10 the dealer has recorded the purchaser's name, license number, and
11 issuing agency, such record to be made in triplicate and processed as
12 provided in subsection (6) of this section. For purposes of this
13 subsection (1)(a), a "valid concealed pistol license" does not
14 include a temporary emergency license, and does not include any
15 license issued before July 1, 1996, unless the issuing agency
16 conducted a records search for disqualifying crimes under RCW
17 9.41.070 at the time of issuance;~~

18 ~~(b))~~) The dealer is notified in writing by (i) the chief of
19 police or the sheriff of the jurisdiction in which the purchaser
20 resides that the purchaser is eligible to possess a pistol under RCW
21 9.41.040 and that the application to purchase is approved by the

1 chief of police or sheriff; or (ii) the state that the purchaser is
2 eligible to possess a firearm under RCW 9.41.040, as provided in
3 subsection (3)(b) of this section; or

4 ~~((e))~~ (b) The requirements or time periods in RCW 9.41.092 have
5 been satisfied.

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

9 (a) The purchaser provides proof that he or she has completed a
10 recognized firearm safety training program within the last five years
11 that, at a minimum, includes instruction on:

12 (i) Basic firearms safety rules;

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

15 (iii) Firearms and suicide prevention;

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

17 (v) Safe handling of firearms; and

18 (vi) State and federal firearms laws, including prohibited
19 firearms transfers.

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

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

35 (c) The requirements or time periods in RCW 9.41.092 have been
36 satisfied.

37 (3)(a) Except as provided in (b) of this subsection, in
38 determining whether the purchaser meets the requirements of RCW
39 9.41.040, the chief of police or sheriff, or the designee of either,
40 shall check with the ~~((national crime information center, including~~

1 ~~the~~) national instant criminal background check system, provided for
2 by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et
3 seq.), the Washington state patrol electronic database, the health
4 care authority electronic database, and with other agencies or
5 resources as appropriate, to determine whether the applicant is
6 ineligible under RCW 9.41.040 to possess a firearm.

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

16 (4) In any case under this section where the applicant has an
17 outstanding warrant for his or her arrest from any court of competent
18 jurisdiction for a felony or misdemeanor, the dealer shall hold the
19 delivery of the pistol or semiautomatic assault rifle until the
20 warrant for arrest is served and satisfied by appropriate court
21 appearance. The local jurisdiction for purposes of the sale, or the
22 state pursuant to subsection (3)(b) of this section, shall confirm
23 the existence of outstanding warrants within seventy-two hours after
24 notification of the application to purchase a pistol or semiautomatic
25 assault rifle is received. The local jurisdiction shall also
26 immediately confirm the satisfaction of the warrant on request of the
27 dealer so that the hold may be released if the warrant was for an
28 offense other than an offense making a person ineligible under RCW
29 9.41.040 to possess a firearm.

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

33 (a) Open criminal charges, (b) pending criminal proceedings, (c)
34 pending commitment proceedings, (d) an outstanding warrant for an
35 offense making a person ineligible under RCW 9.41.040 to possess a
36 firearm, or (e) an arrest for an offense making a person ineligible
37 under RCW 9.41.040 to possess a firearm, if the records of
38 disposition have not yet been reported or entered sufficiently to
39 determine eligibility to purchase a firearm, the local jurisdiction
40 or the state may hold the sale and delivery of the pistol or

1 semiautomatic assault rifle up to thirty days in order to confirm
2 existing records in this state or elsewhere. After thirty days, the
3 hold will be lifted unless an extension of the thirty days is
4 approved by a local district court, superior court, or municipal
5 court for good cause shown. A dealer shall be notified of each hold
6 placed on the sale by local law enforcement or the state and of any
7 application to the court for additional hold period to confirm
8 records or confirm the identity of the applicant.

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

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

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

15 (iii) The applicant's driver's license number or state
16 identification card number;

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

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

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

35 (b) The application shall contain two warnings substantially
36 stated as follows:

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

1 prosecuted in federal court. State permission to purchase a firearm
2 is not a defense to a federal prosecution; and

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

7 The purchaser shall be given a copy of the department of fish and
8 wildlife pamphlet on the legal limits of the use of firearms and
9 firearms safety.

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

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

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

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

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

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

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

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

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

16 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of
18 the state government and its existing public institutions, and takes
19 effect July 1, 2019.

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