

WSR 23-20-053

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed September 28, 2023, 1:42 p.m., effective October 29, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: New chapter 446-09 WAC, Firearms background check, allows any person who is denied the transfer of a firearm based on the results of a firearms background check the right to appeal that denial and to meet the requirements of the Brady Act.

Citation of Rules Affected by this Order: New chapter 446-09 WAC.

Statutory Authority for Adoption: RCW 43.43.580.

Adopted under notice filed as WSR 23-17-109 on August 17, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 28, 2023.

John R. Batiste
Chief

OTS-4759.2

Chapter 446-09 WAC
FIREARMS BACKGROUND CHECK

NEW SECTION

WAC 446-09-010 Right to appeal. If the appellant believes they have been erroneously denied a firearms transfer due to a determination made by the Washington state patrol firearms background division, they have the right to appeal that determination, within three years of the submission of the original background check.

(1) The appellant may submit their appeal by:

(a) Obtaining an appeal form at www.wsp.wa.gov/firearms-background-division.

(b) The appeal document must be notarized to provide proof of identity.

(c) The appellant must submit the appeal form along with an image of the identification to firearmappeal@wsp.wa.gov or Washington State

Patrol, Firearms Background Appeals, P.O. Box 42619, Olympia, WA 98503.

(2) The Washington state patrol firearms background research and appeals unit will provide the denial reason to the appellant to the address or via email provided in the appeal form.

(3) If the appellant believes the information used to make the original determination is incomplete or incorrect in any respect, the appellant must make a request for correction directly to the appropriate court of record or provide documents proving the information used was incorrect or not applicable to the appellant.

(4) If the prohibiting factor(s) has been corrected, the appellant must forward the new documentation to firearmsappeal@wsp.wa.gov or Washington State Patrol, Firearms Background Appeals, P.O. Box 42619, Olympia, WA 98503.

(5) Upon receipt of new information from the appellant, the Washington state patrol firearms background division research and appeals unit will review all appeal requests and make a final determination based on all available information, which may include a new denial if other prohibiting information is discovered. This process will be a records review only, not a hearing.

(6) The appellant will be notified of the appeal decision by mail or via email.

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