
HOUSE BILL 1501

State of Washington

65th Legislature

2017 Regular Session

By Representatives Hansen, Hayes, Kagi, Smith, Tharinger, Clibborn,
and Muri

Read first time 01/23/17. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting law enforcement and the public from
2 persons who illegally attempt to obtain firearms; amending RCW
3 43.10.232; adding a new section to chapter 9.41 RCW; adding new
4 sections to chapter 43.43 RCW; adding a new section to chapter 36.28A
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
8 to read as follows:

9 A dealer shall report to the Washington state patrol information
10 on each case where the dealer denies an application for the purchase
11 or transfer of a firearm, whether under RCW 9.41.090 or 9.41.113, or
12 the requirements of federal law, as the result of a background check
13 that indicates the applicant is ineligible to possess a firearm under
14 state or federal law. The dealer shall report the denied application
15 information to the Washington state patrol within two days of the
16 denial in a format as prescribed by the Washington state patrol. The
17 reported information must include the identifying information of the
18 applicant, the date of the application and denial of the application,
19 and other information as prescribed by the Washington state patrol.
20 In any case where the purchase or transfer of a firearm is initially
21 denied by the dealer as the result of a background check that

1 indicates the applicant is ineligible to possess a firearm, but the
2 purchase or transfer is subsequently approved, the dealer shall
3 report the subsequent approval to the Washington state patrol within
4 one day of the approval.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43
6 RCW to read as follows:

7 (1)(a) Upon implementation of this act, the Washington state
8 patrol shall maintain a database that consists of information
9 received under section 1 of this act pertaining to persons who have
10 applied for the purchase or transfer of a firearm and were denied as
11 the result of a background check that indicates the applicant is
12 ineligible to possess a firearm under state or federal law. The
13 database shall be accessible to law enforcement agencies and officers
14 that have a connection to the Washington state patrol electronic
15 database.

16 (b) Upon receipt of information from a dealer under section 1 of
17 this act that a person originally denied the purchase or transfer of
18 a firearm as the result of a background check that indicates the
19 applicant is ineligible to possess a firearm has subsequently been
20 approved for the purchase or transfer, the Washington state patrol
21 shall remove the record of the person's original denial from the
22 database.

23 (2) Subject to amounts appropriated for this specific purpose,
24 the Washington state patrol shall investigate denied firearm purchase
25 or transfer applications reported under section 1 of this act to
26 determine whether the applicant knowingly attempted to acquire a
27 firearm in violation of federal or state law or knowingly provided
28 false information on the application for a firearm purchase or
29 transfer. If, after investigation, the Washington state patrol
30 believes the applicant has violated state law, the Washington state
31 patrol shall refer the case to the office of the attorney general for
32 prosecution.

33 (3) The database shall be used only for law enforcement purposes
34 and for the purposes of section 5 of this act and is not subject to
35 public disclosure under chapter 42.56 RCW.

36 (4) The Washington state patrol shall adopt rules as are
37 necessary to carry out the purposes of this act.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.43
2 RCW to read as follows:

3 The Washington state patrol shall prepare an annual report on the
4 number of denied firearms sales or transfers reported under section 1
5 of this act. The report shall indicate the number of cases in which a
6 person was denied a firearms sale or transfer, the number of cases
7 where the denied sale or transfer was investigated for potential
8 criminal prosecution, and the number of cases where an arrest was
9 made, the case was referred for prosecution, and a conviction was
10 obtained. The Washington state patrol shall submit the report to the
11 attorney general and the appropriate committees of the legislature on
12 or before December 31st of each year.

13 **Sec. 4.** RCW 43.10.232 and 1986 c 257 s 16 are each amended to
14 read as follows:

15 (1) The attorney general shall have concurrent authority and
16 power with the prosecuting attorneys to investigate crimes and
17 initiate and conduct prosecutions upon the request of or with the
18 concurrence of any of the following:

19 (a) The county prosecuting attorney of the jurisdiction in which
20 the offense has occurred;

21 (b) The governor of the state of Washington; (~~(e)~~)

22 (c) A majority of the committee charged with the oversight of the
23 organized crime intelligence unit; or

24 (d) The Washington state patrol when referring cases under
25 section 2 of this act.

26 (2) Such request or concurrence shall be communicated in writing
27 to the attorney general.

28 (3) Prior to any prosecution by the attorney general under this
29 section, the attorney general and the county in which the offense
30 occurred shall reach an agreement regarding the payment of all costs,
31 including expert witness fees, and defense attorneys' fees associated
32 with any such prosecution.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.28A
34 RCW to read as follows:

35 (1)(a) When funded, the Washington association of sheriffs and
36 police chiefs shall create and operate a statewide automated
37 protected person notification system to automatically notify a
38 registered person via the registered person's choice of telephone or

1 email when a respondent subject to a court order specified in (b) of
2 this subsection has attempted to purchase or acquire a firearm and
3 been denied based on a background check that indicates the respondent
4 is ineligible to possess a firearm under state or federal law. The
5 system must permit a person to register for notification, or a
6 registered person to update the person's registration information,
7 for the statewide automated protected person notification system by
8 calling a toll-free telephone number or by accessing a public web
9 site.

10 (b) The notification requirements of this section apply to any
11 court order issued under chapter 7.92 RCW and RCW 7.90.090,
12 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
13 26.10.040, 26.10.115, 26.26.130, 26.26.590, 26.50.060, or 26.50.070,
14 where the order prohibits the respondent from possessing firearms or
15 where by operation of law the respondent is ineligible to possess
16 firearms during the term of the order.

17 (2) The Washington state patrol shall ensure that the Washington
18 association of sheriffs and police chiefs is provided access to the
19 data necessary for the purposes of implementation of the notification
20 requirements of this section.

21 (3) An appointed or elected official, public employee, or public
22 agency as defined in RCW 4.24.470, or combination of units of
23 government and its employees, as provided in RCW 36.28A.010, are
24 immune from civil liability for damages for any release of
25 information or the failure to release information related to the
26 statewide automated protected person notification system in this
27 section, so long as the release or failure to release was without
28 gross negligence. The immunity provided under this subsection applies
29 to the release of relevant and necessary information to other public
30 officials, public employees, or public agencies, and to the general
31 public.

32 (4) Information and records received by the Washington
33 association of sheriffs and police chiefs under this section,
34 including information a person submits to register and participate in
35 the statewide automated protected person notification system, may be
36 used only for the purposes of this section and are exempt from public
37 inspection and copying under chapter 42.56 RCW.

38 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
39 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2017, in the omnibus appropriations act, this
2 act is null and void.

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