

**2SHB 1143 - H AMD 338**

By Representative Berry

ADOPTED 03/07/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read  
4 as follows:

5 (1) In addition to the other requirements of this chapter, no  
6 dealer may deliver a (~~pistol~~) firearm to the purchaser thereof  
7 until:

8 (a) The purchaser (~~produces a valid concealed pistol license and~~  
9 ~~the dealer has recorded the purchaser's name, license number, and~~  
10 ~~issuing agency, such record to be made in triplicate and processed as~~  
11 ~~provided in subsection (6) of this section. For purposes of this~~  
12 ~~subsection (1)(a), a "valid concealed pistol license" does not~~  
13 ~~include a temporary emergency license, and does not include any~~  
14 ~~license issued before July 1, 1996, unless the issuing agency~~  
15 ~~conducted a records search for disqualifying crimes under RCW~~  
16 ~~9.41.070 at the time of issuance)) provides proof of completion of a  
17 recognized firearm safety training program within the last five years  
18 that complies with the requirements in section 2 of this act, or  
19 proof that the purchaser is exempt from the training requirement;~~

20 (b) The dealer is notified (~~in writing by (i) the chief of~~  
21 ~~police or the sheriff of the jurisdiction in which the purchaser~~  
22 ~~resides that the purchaser is eligible to possess a pistol under RCW~~  
23 ~~9.41.040 and that the application to purchase is approved by the~~  
24 ~~chief of police or sheriff; or (ii) the state)) by the Washington  
25 state patrol firearms background check program that the purchaser is  
26 eligible to possess a firearm under ((RCW 9.41.040, as provided in  
27 subsection (3)(b) of this section; or)) state and federal law; and~~

28 (c) The requirements (~~or~~) and time periods in RCW 9.41.092 have  
29 been satisfied.

30 (2) (~~In addition to the other requirements of this chapter, no~~  
31 ~~dealer may deliver a semiautomatic assault rifle to the purchaser~~  
32 ~~thereof until:~~

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

4       ~~(i) Basic firearms safety rules;~~

5       ~~(ii) Firearms and children, including secure gun storage and~~  
6 ~~talking to children about gun safety;~~

7       ~~(iii) Firearms and suicide prevention;~~

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

9       ~~(v) Safe handling of firearms; and~~

10       ~~(vi) State and federal firearms laws, including prohibited~~  
11 ~~firearms transfers.~~

12       ~~The training must be sponsored by a federal, state, county, or~~  
13 ~~municipal law enforcement agency, a college or university, a~~  
14 ~~nationally recognized organization that customarily offers firearms~~  
15 ~~training, or a firearms training school with instructors certified by~~  
16 ~~a nationally recognized organization that customarily offers firearms~~  
17 ~~training. The proof of training shall be in the form of a~~  
18 ~~certification that states under the penalty of perjury the training~~  
19 ~~included the minimum requirements; and~~

20       ~~(b) The dealer is notified in writing by (i) the chief of police~~  
21 ~~or the sheriff of the jurisdiction in which the purchaser resides~~  
22 ~~that the purchaser is eligible to possess a firearm under~~  
23 ~~RCW 9.41.040 and that the application to purchase is approved by the~~  
24 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~  
25 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~  
26 ~~subsection (3) (b) of this section; or~~

27       ~~(c) The requirements or time periods in RCW 9.41.092 have been~~  
28 ~~satisfied.~~

29       ~~(3) (a) Except as provided in (b) of this subsection, in)) In~~  
30 ~~determining whether the purchaser ((meets the requirements of RCW~~  
31 ~~9.41.040)) is eligible to possess a firearm, the ((chief of police or~~  
32 ~~sheriff, or the designee of either,)) Washington state patrol~~  
33 ~~firearms background check program shall check with the ((national~~  
34 ~~crime information center, including the)) national instant criminal~~  
35 ~~background check system, provided for by the Brady handgun violence~~  
36 ~~prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state~~  
37 ~~patrol electronic database, the health care authority electronic~~  
38 ~~database, the administrative office of the courts, LInX-NW, and with~~  
39 ~~other agencies or resources as appropriate, to determine whether the~~  
40 ~~applicant is ineligible under RCW 9.41.040 to possess a firearm.~~

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

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

24       ~~(5) In any case where the chief or sheriff of the local~~  
25 ~~jurisdiction, or the state pursuant to subsection (3)(b) of this~~  
26 ~~section, has reasonable grounds based on the following circumstances:~~  
27 ~~(a) Open criminal charges, (b) pending criminal proceedings, (c)~~  
28 ~~pending commitment proceedings, (d) an outstanding warrant for an~~  
29 ~~offense making a person ineligible under RCW 9.41.040 to possess a~~  
30 ~~firearm, or (e) an arrest for an offense making a person ineligible~~  
31 ~~under RCW 9.41.040 to possess a firearm, if the records of~~  
32 ~~disposition have not yet been reported or entered sufficiently to~~  
33 ~~determine eligibility to purchase a firearm, the local jurisdiction~~  
34 ~~or the state may hold the sale and delivery of the pistol or~~  
35 ~~semiautomatic assault rifle up to thirty days in order to confirm~~  
36 ~~existing records in this state or elsewhere. After thirty days, the~~  
37 ~~hold will be lifted unless an extension of the thirty days is~~  
38 ~~approved by a local district court, superior court, or municipal~~  
39 ~~court for good cause shown. A dealer shall be notified of each hold~~  
40 ~~placed on the sale by local law enforcement or the state and of any~~

1 ~~application to the court for additional hold period to confirm~~  
2 ~~records or confirm the identity of the applicant.~~

3 ~~(6))~~ (3)(a) At the time of applying for the purchase of a  
4 ~~((pistol or semiautomatic assault rifle))~~ firearm, the purchaser  
5 shall sign ~~((in triplicate))~~ and deliver to the dealer an application  
6 containing:

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

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

10 (iii) The applicant's driver's license number or state  
11 identification card number;

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

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

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

31 (b) The ~~((application))~~ dealer shall ~~((contain))~~ provide the  
32 applicant with information that contains two warnings substantially  
33 stated as follows:

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

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

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

8 (c) The dealer shall, by the end of the business day, ~~((sign and  
9 attach his or her address and deliver a copy of the application and  
10 such other documentation as required under subsections (1) and (2) of  
11 this section to the chief of police of the municipality or the  
12 sheriff of the county of which the purchaser is a resident, or the  
13 state pursuant to subsection (3)(b) of this section))~~ transmit the  
14 information from the application through secure automated firearms e-  
15 check (SAFE) to the Washington state patrol firearms background check  
16 program. The ~~((triplicate))~~ original application shall be retained by  
17 the dealer for six years.

18 (d) The dealer shall deliver the ~~((pistol or semiautomatic  
19 assault rifle))~~ firearm to the purchaser ~~((following))~~ once the  
20 requirements and period of time specified in this chapter ~~((unless  
21 the dealer is notified of an investigative hold under subsection (5)  
22 of this section in writing by the chief of police of the  
23 municipality, the sheriff of the county, or the state, whichever is  
24 applicable, or of the denial of the purchaser's application to  
25 purchase and the grounds thereof))~~ are satisfied. The application  
26 shall not be denied unless the purchaser is not eligible to purchase  
27 or possess the firearm under state or federal law or has not complied  
28 with the requirements of this section.

29 ~~((d))~~ (e) The ~~((chief of police of the municipality or the  
30 sheriff of the county, or the state pursuant to subsection (3)(b) of  
31 this section,))~~ Washington state patrol firearms background check  
32 program shall retain or destroy applications to purchase a ~~((pistol  
33 or semiautomatic assault rifle))~~ firearm in accordance with the  
34 requirements of 18 U.S.C. Sec. 922.

35 ~~((7)(a))~~ To help offset the administrative costs of implementing  
36 this section as it relates to new requirements for semiautomatic  
37 assault rifles, the department of licensing may require the dealer to  
38 charge each semiautomatic assault rifle purchaser or transferee a fee  
39 not to exceed twenty-five dollars, except that the fee may be

1 ~~adjusted at the beginning of each biennium to levels not to exceed~~  
2 ~~the percentage increase in the consumer price index for all urban~~  
3 ~~consumers, CPI-W, or a successor index, for the previous biennium as~~  
4 ~~calculated by the United States department of labor.~~

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

7 ~~(i) The state for the cost of meeting its obligations under this~~  
8 ~~section;~~

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

12 ~~(iii) Local law enforcement agencies for state-mandated local~~  
13 ~~costs resulting from the requirements set forth under RCW 9.41.090~~  
14 ~~and this section.~~

15 ~~(8))~~ (4) A person who knowingly makes a false statement  
16 regarding identity or eligibility requirements on the application to  
17 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

18 ~~((9))~~ (5) This section does not apply to sales to licensed  
19 dealers for resale or to the sale of antique firearms.

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

22 (1) A person applying for the purchase or transfer of a firearm  
23 must provide proof of completion of a recognized firearms safety  
24 training program within the last five years that, at a minimum,  
25 includes instruction on:

26 (a) Basic firearms safety rules;

27 (b) Firearms and children, including secure gun storage and  
28 talking to children about gun safety;

29 (c) Firearms and suicide prevention;

30 (d) Secure gun storage to prevent unauthorized access and use;

31 (e) Safe handling of firearms;

32 (f) State and federal firearms laws, including prohibited  
33 firearms transfers and locations where firearms are prohibited;

34 (g) State laws pertaining to the use of deadly force for self-  
35 defense; and

36 (h) Techniques for avoiding a criminal attack and how to manage a  
37 violent confrontation, including conflict resolution.

38 (2) The training must be sponsored by a federal, state, county,  
39 or municipal law enforcement agency, a college or university, a

1 nationally recognized organization that customarily offers firearms  
2 training, or a firearms training school with instructors certified by  
3 a nationally recognized organization that customarily offers firearms  
4 training. The proof of training shall be in the form of a  
5 certification that states under the penalty of perjury that the  
6 training included the minimum requirements.

7 (3) The training may include stories provided by individuals with  
8 lived experience in the topics listed in subsection (1)(a) through  
9 (g) of this section or an understanding of the legal and social  
10 impacts of discharging a firearm.

11 (4) The firearms safety training requirement of this section does  
12 not apply to:

13 (a) A person who is a:

14 (i) General authority Washington peace officer as defined in RCW  
15 10.93.020;

16 (ii) Limited authority Washington peace officer as defined in RCW  
17 10.93.020 who as a normal part of their duties has arrest powers and  
18 carries a firearm;

19 (iii) Specially commissioned Washington peace officer as defined  
20 in RCW 10.93.020 who as a normal part of their duties has arrest  
21 powers and carries a firearm; or

22 (iv) Federal peace officer as defined in RCW 10.93.020 who as a  
23 normal part of their duties has arrest powers and carries a firearm;  
24 or

25 (b) A person who is an active duty member of the armed forces of  
26 the United States, an active member of the national guard, or an  
27 active member of the armed forces reserves who, as part of the  
28 applicant's service, has completed, within the last five years, a  
29 course of training in firearms proficiency or familiarization that  
30 included training on the safe handling and shooting proficiency with  
31 firearms.

32 **Sec. 3.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to  
33 read as follows:

34 (1)(a) At the time a person is convicted or found not guilty by  
35 reason of insanity of an offense making the person ineligible to  
36 possess a firearm, or at the time a person is committed by court  
37 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or  
38 chapter 10.77 RCW for mental health treatment, or at the time that  
39 charges are dismissed based on incompetency to stand trial under RCW

1 10.77.088 and the court makes a finding that the person has a history  
2 of one or more violent acts, the convicting or committing court, or  
3 court that dismisses charges, shall notify the person, orally and in  
4 writing, that the person must immediately surrender any concealed  
5 pistol license and that the person may not possess a firearm unless  
6 his or her right to do so is restored by a court of record. For  
7 purposes of this section a convicting court includes a court in which  
8 a person has been found not guilty by reason of insanity.

9 (b) The court shall forward within three judicial days after  
10 conviction, entry of the commitment order, or dismissal of charges, a  
11 copy of the person's driver's license or identicard, or comparable  
12 information such as their name, address, and date of birth, along  
13 with the date of conviction or commitment, or date charges are  
14 dismissed, to the department of licensing and to the Washington state  
15 patrol firearms background check program. When a person is committed  
16 by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,  
17 or chapter 10.77 RCW, for mental health treatment, or when a person's  
18 charges are dismissed based on incompetency to stand trial under RCW  
19 10.77.088 and the court makes a finding that the person has a history  
20 of one or more violent acts, the court also shall forward, within  
21 three judicial days after entry of the commitment order, or dismissal  
22 of charges, a copy of the person's driver's license, or comparable  
23 information, along with the date of commitment or date charges are  
24 dismissed, to the national instant criminal background check system  
25 index, denied persons file, created by the federal Brady handgun  
26 violence prevention act (P.L. 103-159). The petitioning party shall  
27 provide the court with the information required. If more than one  
28 commitment order is entered under one cause number, only one  
29 notification to the department of licensing, the Washington state  
30 patrol firearms background check program, and the national instant  
31 criminal background check system is required.

32 (2) Upon receipt of the information provided for by subsection  
33 (1) of this section, the department of licensing shall determine if  
34 the convicted or committed person, or the person whose charges are  
35 dismissed based on incompetency to stand trial, has a concealed  
36 pistol license. If the person does have a concealed pistol license,  
37 the department of licensing shall immediately notify the license-  
38 issuing authority which, upon receipt of such notification, shall  
39 immediately revoke the license.



1 (3) (a) A person who is prohibited from possessing a firearm, by  
2 reason of having been involuntarily committed for mental health  
3 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,  
4 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or  
5 by reason of having been detained under RCW 71.05.150 or 71.05.153,  
6 or because the person's charges were dismissed based on incompetency  
7 to stand trial under RCW 10.77.088 and the court made a finding that  
8 the person has a history of one or more violent acts, may, upon  
9 discharge, petition the superior court to have his or her right to  
10 possess a firearm restored.

11 (b) The petition must be brought in the superior court that  
12 ordered the involuntary commitment or dismissed the charges based on  
13 incompetency to stand trial or the superior court of the county in  
14 which the petitioner resides.

15 (c) Except as provided in (d) and (e) of this subsection, the  
16 court shall restore the petitioner's right to possess a firearm if  
17 the petitioner proves by a preponderance of the evidence that:

18 (i) The petitioner is no longer required to participate in court-  
19 ordered inpatient or outpatient treatment;

20 (ii) The petitioner has successfully managed the condition  
21 related to the commitment or detention or incompetency;

22 (iii) The petitioner no longer presents a substantial danger to  
23 himself or herself, or the public; and

24 (iv) The symptoms related to the commitment or detention or  
25 incompetency are not reasonably likely to recur.

26 (d) If a preponderance of the evidence in the record supports a  
27 finding that the person petitioning the court has engaged in violence  
28 and that it is more likely than not that the person will engage in  
29 violence after his or her right to possess a firearm is restored, the  
30 person shall bear the burden of proving by clear, cogent, and  
31 convincing evidence that he or she does not present a substantial  
32 danger to the safety of others.

33 (e) If the petitioner seeks restoration after having been  
34 detained under RCW 71.05.150 or 71.05.153, the state shall bear the  
35 burden of proof to show, by a preponderance of the evidence, that the  
36 petitioner does not meet the restoration criteria in (c) of this  
37 subsection.

38 (f) When a person's right to possess a firearm has been restored  
39 under this subsection, the court shall forward, within three judicial  
40 days after entry of the restoration order, notification that the

1 person's right to possess a firearm has been restored to the  
2 department of licensing and the Washington state patrol criminal  
3 records division, with a copy of the person's driver's license or  
4 identicard, or comparable identification such as their name, address,  
5 and date of birth, and to the health care authority, and the national  
6 instant criminal background check system index, denied persons file.  
7 In the case of a person whose right to possess a firearm has been  
8 suspended for six months as provided in RCW 71.05.182, the department  
9 of licensing shall forward notification of the restoration order to  
10 the licensing authority, which, upon receipt of such notification,  
11 shall immediately lift the suspension, restoring the person's  
12 concealed pistol license.

13 (4) No person who has been found not guilty by reason of insanity  
14 may petition a court for restoration of the right to possess a  
15 firearm unless the person meets the requirements for the restoration  
16 of the right to possess a firearm under RCW 9.41.040(4).

17 **Sec. 4.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read  
18 as follows:

19 ~~((1))~~ Except as otherwise provided in this chapter ~~((and except~~  
20 ~~for semiautomatic assault rifles under subsection (2) of this~~  
21 ~~section))~~, a licensed dealer may not deliver any firearm to a  
22 purchaser or transferee until the earlier of:

23 ~~((a))~~ (1) The results of all required background checks are  
24 known and the purchaser or transferee ~~((i))~~ (a) is not prohibited  
25 from owning or possessing a firearm under federal or state law and  
26 ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights  
27 currently in effect; ~~((or))~~ and

28 ~~((b))~~ (2) Ten business days have elapsed from the date the  
29 licensed dealer requested the background check. ~~((However, for sales~~  
30 ~~and transfers of pistols if the purchaser or transferee does not have~~  
31 ~~a valid permanent Washington driver's license or state identification~~  
32 ~~card or has not been a resident of the state for the previous~~  
33 ~~consecutive ninety days, then the time period in this subsection~~  
34 ~~shall be extended from ten business days to sixty days.~~

35 ~~(2) Except as otherwise provided in this chapter, a licensed~~  
36 ~~dealer may not deliver a semiautomatic assault rifle to a purchaser~~  
37 ~~or transferee until ten business days have elapsed from the date of~~  
38 ~~the purchase application or, in the case of a transfer, ten business~~  
39 ~~days have elapsed from the date a background check is initiated.))~~

1       **Sec. 5.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read  
2 as follows:

3       A signed application to purchase a (~~(pistol or semiautomatic~~  
4 ~~assault rifle)) firearm shall constitute a waiver of confidentiality  
5 and written request that the health care authority, mental health  
6 institutions, and other health care facilities release(~~(, to an~~  
7 ~~inquiring court or law enforcement agency,)) information relevant to  
8 the applicant's eligibility to purchase a (~~(pistol or semiautomatic~~  
9 ~~assault rifle)) firearm to an inquiring court (~~(or)),~~ law enforcement  
10 agency, or the Washington state patrol firearms background check  
11 program.~~~~~~

12       **Sec. 6.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read  
13 as follows:

14       (1) The health care authority, mental health institutions, and  
15 other health care facilities shall, upon request of a court, law  
16 enforcement agency, or the state, supply such relevant information as  
17 is necessary to determine the eligibility of a person to possess a  
18 firearm (~~(or)),~~ to be issued a concealed pistol license under RCW  
19 9.41.070, or to purchase a (~~(pistol or semiautomatic assault rifle))~~  
20 firearm under RCW 9.41.090.

21       (2) Mental health information received by: (a) The department of  
22 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing  
23 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police  
24 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law  
25 enforcement agency pursuant to subsection (1) of this section; or (e)  
26 the Washington state patrol firearms background check program  
27 pursuant to RCW 9.41.090, shall not be disclosed except as provided  
28 in RCW 42.56.240(4).

29       **Sec. 7.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read  
30 as follows:

31       (1) The state, local governmental entities, any public or private  
32 agency, and the employees of any state or local governmental entity  
33 or public or private agency, acting in good faith, are immune from  
34 liability:

35       (a) For failure to prevent the sale or transfer of a firearm to a  
36 person whose receipt or possession of the firearm is unlawful;

37       (b) For preventing the sale or transfer of a firearm to a person  
38 who may lawfully receive or possess a firearm;

1 (c) For issuing a concealed pistol license or alien firearm  
2 license to a person ineligible for such a license;

3 (d) For failing to issue a concealed pistol license or alien  
4 firearm license to a person eligible for such a license;

5 (e) For revoking or failing to revoke an issued concealed pistol  
6 license or alien firearm license;

7 (f) For errors in preparing or transmitting information as part  
8 of determining a person's eligibility to receive or possess a  
9 firearm, or eligibility for a concealed pistol license or alien  
10 firearm license;

11 (g) For issuing a dealer's license to a person ineligible for  
12 such a license; or

13 (h) For failing to issue a dealer's license to a person eligible  
14 for such a license.

15 (2) An application may be made to a court of competent  
16 jurisdiction for a writ of mandamus:

17 (a) Directing an issuing agency to issue a concealed pistol  
18 license or alien firearm license wrongfully refused;

19 (b) Directing (~~(a law enforcement agency)~~) the Washington state  
20 patrol firearms background check program to approve an application to  
21 purchase a (~~(pistol or semiautomatic assault rifle)~~) firearm  
22 wrongfully denied;

23 (c) Directing that erroneous information resulting either in the  
24 wrongful refusal to issue a concealed pistol license or alien firearm  
25 license or in the wrongful denial of a purchase application for a  
26 (~~(pistol or semiautomatic assault rifle)~~) firearm be corrected; or

27 (d) Directing a law enforcement agency to approve a dealer's  
28 license wrongfully denied.

29 The application for the writ may be made in the county in which  
30 the application for a concealed pistol license or alien firearm  
31 license or an application to purchase a (~~(pistol or semiautomatic~~  
32 ~~assault rifle)~~) firearm was made, or in Thurston county, at the  
33 discretion of the petitioner. A court shall provide an expedited  
34 hearing for an application brought under this subsection (2) for a  
35 writ of mandamus. A person granted a writ of mandamus under this  
36 subsection (2) shall be awarded reasonable attorneys' fees and costs.

37 **Sec. 8.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read  
38 as follows:

1 (1) No dealer may sell or otherwise transfer, or expose for sale  
2 or transfer, or have in his or her possession with intent to sell, or  
3 otherwise transfer, any pistol without being licensed as provided in  
4 this section.

5 (2) No dealer may sell or otherwise transfer, or expose for sale  
6 or transfer, or have in his or her possession with intent to sell, or  
7 otherwise transfer, any firearm other than a pistol without being  
8 licensed as provided in this section.

9 (3) No dealer may sell or otherwise transfer, or expose for sale  
10 or transfer, or have in his or her possession with intent to sell, or  
11 otherwise transfer, any ammunition without being licensed as provided  
12 in this section.

13 (4) The duly constituted licensing authorities of any city, town,  
14 or political subdivision of this state shall grant licenses in forms  
15 prescribed by the director of licensing effective for not more than  
16 one year from the date of issue permitting the licensee to sell  
17 firearms within this state subject to the following conditions, for  
18 breach of any of which the license shall be forfeited and the  
19 licensee subject to punishment as provided in (~~RCW 9.41.010 through~~  
20 ~~9.41.810~~) this chapter. A licensing authority shall forward a copy  
21 of each license granted to the department of licensing. The  
22 department of licensing shall notify the department of revenue of the  
23 name and address of each dealer licensed under this section.

24 (5) (a) A licensing authority shall, within thirty days after the  
25 filing of an application of any person for a dealer's license,  
26 determine whether to grant the license. However, if the applicant  
27 does not have a valid permanent Washington driver's license or  
28 Washington state identification card, or has not been a resident of  
29 the state for the previous consecutive ninety days, the licensing  
30 authority shall have up to sixty days to determine whether to issue a  
31 license. No person shall qualify for a license under this section  
32 without first receiving a federal firearms license and undergoing  
33 fingerprinting and a background check. In addition, no person  
34 ineligible to possess a firearm under RCW 9.41.040 or ineligible for  
35 a concealed pistol license under RCW 9.41.070 shall qualify for a  
36 dealer's license.

37 (b) A dealer shall require every employee who may sell a firearm  
38 in the course of his or her employment to undergo fingerprinting and  
39 a background check. An employee must be eligible to possess a  
40 firearm, and must not have been convicted of a crime that would make

1 the person ineligible for a concealed pistol license, before being  
2 permitted to sell a firearm. Every employee shall comply with  
3 requirements concerning purchase applications and restrictions on  
4 delivery of (~~(pistols or semiautomatic assault rifles)~~) firearms that  
5 are applicable to dealers.

6 (6) (a) Except as otherwise provided in (b) of this subsection,  
7 the business shall be carried on only in the building designated in  
8 the license. For the purpose of this section, advertising firearms  
9 for sale shall not be considered the carrying on of business.

10 (b) A dealer may conduct business temporarily at a location other  
11 than the building designated in the license, if the temporary  
12 location is within Washington state and is the location of a gun show  
13 sponsored by a national, state, or local organization, or an  
14 affiliate of any such organization, devoted to the collection,  
15 competitive use, or other sporting use of firearms in the community.  
16 Nothing in this subsection (6) (b) authorizes a dealer to conduct  
17 business in or from a motorized or towed vehicle.

18 In conducting business temporarily at a location other than the  
19 building designated in the license, the dealer shall comply with all  
20 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and  
21 this section. The license of a dealer who fails to comply with the  
22 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this  
23 section while conducting business at a temporary location shall be  
24 revoked, and the dealer shall be permanently ineligible for a  
25 dealer's license.

26 (7) The license or a copy thereof, certified by the issuing  
27 authority, shall be displayed on the premises in the area where  
28 firearms are sold, or at the temporary location, where it can easily  
29 be read.

30 (8) (a) No (~~(pistol or semiautomatic assault rifle)~~) firearm may  
31 be sold: (i) In violation of any provisions of (~~(RCW 9.41.010 through~~  
32 ~~9.41.810)~~) this chapter; nor (ii) (~~(may a pistol or semiautomatic~~  
33 ~~assault rifle be sold)~~) under any circumstances unless the purchaser  
34 is personally known to the dealer or shall present clear evidence of  
35 his or her identity.

36 (b) A dealer who sells or delivers any firearm in violation of  
37 RCW 9.41.080 is guilty of a class C felony. In addition to any other  
38 penalty provided for by law, the dealer is subject to mandatory  
39 permanent revocation of his or her dealer's license and permanent  
40 ineligibility for a dealer's license.

1 (c) The license fee for pistols shall be one hundred twenty-five  
2 dollars. The license fee for firearms other than pistols shall be one  
3 hundred twenty-five dollars. The license fee for ammunition shall be  
4 one hundred twenty-five dollars. Any dealer who obtains any license  
5 under subsection (1), (2), or (3) of this section may also obtain the  
6 remaining licenses without payment of any fee. The fees received  
7 under this section shall be deposited in the state general fund.

8 (9) (a) The dealer shall transmit the information from the firearm  
9 transfer application through secure automated firearms e-check (SAFE)  
10 to the Washington state patrol firearms background check program. The  
11 Washington state patrol firearms background check program shall  
12 transmit the application information to the director of licensing  
13 daily. The original application shall be retained by the dealer for  
14 six years.

15 (b) A true record (~~(in triplicate)~~) shall be made of every  
16 (~~(pistol or semiautomatic assault rifle)~~) firearm sold, in a book  
17 kept for the purpose, the form of which may be prescribed by the  
18 director of licensing and shall be personally signed by the purchaser  
19 and by the person effecting the sale, each in the presence of the  
20 other, and shall contain the date of sale, the caliber, make, model  
21 and manufacturer's number of the weapon, the name, address,  
22 occupation, and place of birth of the purchaser, and a statement  
23 signed by the purchaser that he or she is not ineligible under state  
24 or federal law to possess a firearm. The dealer shall retain the  
25 transfer record for six years and shall, within seven days, send a  
26 copy of the transfer record to the department of licensing.

27 (~~((b) One copy shall within six hours be sent by certified mail~~  
28 ~~to the chief of police of the municipality or the sheriff of the~~  
29 ~~county of which the purchaser is a resident, or the state pursuant to~~  
30 ~~RCW 9.41.090; the duplicate the dealer shall within seven days send~~  
31 ~~to the director of licensing; the triplicate the dealer shall retain~~  
32 ~~for six years.))~~

33 (10) Subsections (2) through (9) of this section shall not apply  
34 to sales at wholesale.

35 (11) The dealer's licenses authorized to be issued by this  
36 section are general licenses covering all sales by the licensee  
37 within the effective period of the licenses. The department shall  
38 provide a single application form for dealer's licenses and a single  
39 license form which shall indicate the type or types of licenses  
40 granted.

1 (12) Except as otherwise provided in (~~RCW 9.41.090~~) this  
2 chapter, every city, town, and political subdivision of this state is  
3 prohibited from requiring the purchaser to secure a permit to  
4 purchase or from requiring the dealer to secure an individual permit  
5 for each sale.

6 **Sec. 9.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read  
7 as follows:

8 (1) Beginning on the date that is thirty days after the  
9 Washington state patrol issues a notification to dealers that a state  
10 firearms background check system is established within the Washington  
11 state patrol under RCW 43.43.580, a dealer shall use the Washington  
12 state patrol firearms background check (~~system~~) program to conduct  
13 background checks for all firearms transfers. A dealer may not sell  
14 or transfer a firearm to an individual unless the dealer first  
15 contacts the Washington state patrol firearms background check  
16 program for a background check to determine the eligibility of the  
17 purchaser or transferee to possess a firearm under state and federal  
18 law and the requirements and time periods established in RCW 9.41.090  
19 and 9.41.092 have been satisfied. (~~When an applicant applies for the~~  
20 ~~purchase or transfer of a pistol or semiautomatic assault rifle, a~~  
21 ~~dealer shall comply with all requirements of this chapter that apply~~  
22 ~~to the sale or transfer of a pistol or semiautomatic rifle. The~~  
23 ~~purchase or transfer of a firearm that is not a pistol or~~  
24 ~~semiautomatic assault rifle must be processed in the same manner and~~  
25 ~~under the same requirements of this chapter that apply to the sale or~~  
26 ~~transfer of a pistol, except that the provisions of RCW 9.41.129, and~~  
27 ~~the requirement in RCW 9.41.110(9)(b) concerning transmitting~~  
28 ~~application records to the director of licensing, shall not apply to~~  
29 ~~these transactions.))~~

30 (2) A dealer shall charge a purchaser or transferee a background  
31 check fee in an amount determined by the Washington state patrol and  
32 remit the proceeds from the fee to the Washington state patrol on a  
33 monthly basis. The background check fee does not apply to any  
34 background check conducted in connection with a pawnbroker's receipt  
35 of a pawned firearm or the redemption of a pawned firearm.

36 (3) This section does not apply to sales or transfers to licensed  
37 dealers or to the sale or transfer of an antique firearm.



1       **Sec. 10.** RCW 9.41.129 and 2019 c 3 s 14 are each amended to read  
2 as follows:

3       The department of licensing shall keep copies or records of  
4 applications for concealed pistol licenses provided for in RCW  
5 9.41.070, copies or records of applications for alien firearm  
6 licenses, copies or records of applications to purchase (~~pistols or~~  
7 ~~semiautomatic assault rifles~~) firearms provided for in RCW 9.41.090,  
8 and copies or records of (~~pistol or semiautomatic assault rifle~~)  
9 firearms transfers provided for in RCW 9.41.110. The copies and  
10 records shall not be disclosed except as provided in RCW  
11 42.56.240(4).

12       NEW SECTION. **Sec. 11.** 2019 c 244 s 1 is repealed.

13       NEW SECTION. **Sec. 12.** This act takes effect January 1, 2024.

14       NEW SECTION. **Sec. 13.** If specific funding for the purposes of  
15 this act, referencing this act by bill or chapter number, is not  
16 provided by June 30, 2023, in the omnibus appropriations act, this  
17 act is null and void."

18       Correct the title.

EFFECT: Eliminates the requirement that a dealer may not transfer a firearm to a person unless the person has a valid permit to purchase firearms, and removes all provisions of the bill that relate to permits to purchase firearms.

Retains the firearms safety training program as a requirement for the purchase or transfer of a firearm. Provides that a dealer may not transfer a firearm to a person unless the person provides proof of completion of a recognized firearm safety training program within the previous five years. Removes live-fire training from the required components of the firearm safety training program. Removes the requirement that the firearm safety training program must be certified by the Washington State Patrol as compliant with program requirements, and provides that proof of training must be in the form of a certification that states under penalty of perjury that the training included the minimum requirements.

Retains provisions that provide that a dealer may not transfer any firearm to a purchaser or transferee until: completion of a background check indicating the person is eligible to possess firearms; and 10 days have elapsed since the dealer requested the background check. Also retains provisions updating firearm transfer and background check processes, including updates to conform to the implementation of a state firearms background check program.

Changes the effective date to January 1, 2024, rather than  
January 1, 2025.

--- **END** ---