CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5553**

Chapter 145, Laws of 2018

65th Legislature

2018 Regular Session

SUICIDE PREVENTION--VOLUNTARY WAIVER OF FIREARM RIGHTS

EFFECTIVE DATE: June 7, 2018—Except for sections 1, 3, and 4, which become effective January 1, 2019.

|  |  |
| --- | --- |
| Passed by the Senate March 5, 2018  Yeas 36 Nays 13  CYRUS HABIB  **President of the Senate**  Passed by the House February 23, 2018  Yeas 77 Nays 20  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5553** as passed by Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved March 21, 2018 11:51 AM | March 23, 2018 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE SENATE BILL 5553**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Pedersen, Fain, Frockt, Takko, Hobbs, Zeiger, Kuderer, and Darneille)

AN ACT Relating to preventing suicide by permitting the voluntary waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

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

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

(1) A person may file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide an alternate person to be contacted if a voluntary waiver of firearm rights is revoked. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any contact person listed on the voluntary waiver of firearm rights and destroy all records of the voluntary waiver. Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

(3) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

(4) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

(5) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

(6) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

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

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts web site, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

**Sec.**  RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended to read as follows:

No person may deliver a firearm to any person whom he or she has reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under section 1 of this act. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

**Sec.**  RCW 9.41.092 and 2015 c 1 s 4 are each amended to read as follows:

Except as otherwise provided in this chapter, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

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

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

NEW SECTION. **Sec.**  Sections 1, 3, and 4 of this act take effect January 1, 2019.

**--- END ---**

Passed by the Senate March 5, 2018.

Passed by the House February 23, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.