

SSB 5553 - H COMM AMD
By Committee on Judiciary

ADOPTED 02/23/2018

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41
4 RCW to read as follows:

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

19 (2) No sooner than seven calendar days after filing a voluntary
20 waiver of firearm rights, the person may file a revocation of the
21 voluntary waiver of firearm rights in the same county where the
22 voluntary waiver of firearm rights was filed. The clerk of the court
23 must request photo identification to verify the person's identity
24 prior to accepting the form. By the end of the business day, the
25 clerk of the court must transmit the form to the Washington state
26 patrol and to any contact person listed on the voluntary waiver of
27 firearm rights and destroy all records of the voluntary waiver.
28 Within seven days of receiving a revocation of a voluntary waiver of
29 firearm rights, the Washington state patrol must remove the person
30 from the national instant criminal background check system, and any
31 other federal or state computer-based systems used by law enforcement

1 agencies or others to identify prohibited purchasers of firearms in
2 which the person was entered, unless the person is otherwise
3 ineligible to possess a firearm under RCW 9.41.040, and destroy all
4 records of the voluntary waiver.

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

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

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

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

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

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

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

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

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

1 **Sec. 3.** RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended
2 to read as follows:

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

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

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

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

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

25 NEW SECTION. **Sec. 5.** Sections 1, 3, and 4 of this act take
26 effect January 1, 2019."

27 Correct the title.

EFFECT: Removes the requirement that a person's voluntary waiver
of firearm rights be entered into the Washington State Patrol (WSP)
electronic database and provides instead that the WSP must enter the
person's waiver of firearm rights into the National Instant Criminal
Background System (NICS) and any other federal or state computer-
based systems used by law enforcement agencies or others to identify
prohibited purchasers of firearms. Requires the WSP to remove the
person from the NICS and any other criminal justice database into
which the person was entered within seven days of receipt of a
revocation of the person's voluntary waiver of firearm rights.

Removes a provision stating that records of a waiver of firearms
rights may not be disclosed except as provided in a Public Records
Act provision that allows disclosure of concealed pistol license

applications to law enforcement and corrections agencies. Provides instead that records of a waiver of firearms rights may not be disclosed except to law enforcement agencies.

Provides that section 3 of the act takes effect January 1, 2019, to be consistent with the effective date of other sections of the act. (Section 3 makes it unlawful for a person to transfer a firearm to a person whom he or she has reasonable cause to believe has signed a waiver of firearm rights that has not been revoked.)

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