
Civil Rights & Judiciary Committee

HB 1144

Brief Description: Enhancing requirements for the purchase or transfer of firearms.

Sponsors: Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Orwall, Macri, Lekanoff, Pollet, Santos, Kloba and Ormsby.

Brief Summary of Bill

- Provides 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.
- Prohibits a dealer from transferring a firearm to a purchaser or transferee unless the person provides a certificate of completion of a certified firearms safety training program, or proof of an exemption from the training requirement.
- Requires a firearms transfer application and record of transfer for all firearm transfers.
- Updates firearm transfer and background check processes, including updates to conform to the implementation of a state firearms background check program.

Hearing Date: 1/17/23

Staff: Edie Adams (786-7180).

Background:

Firearms dealers (dealers) must be licensed under both federal and state law and must comply

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

with federal and state law when making firearms transfers. Dealers are required by federal and state law to conduct background checks on prospective firearm purchasers to determine whether the purchaser is eligible to possess a firearm.

Federal Law.

Under federal law, a dealer must, with few exceptions, conduct a background check on all firearms transfers to determine whether the purchaser is prohibited by state or federal law from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS). Washington acts as a partial point of contact state (POC) for the federal check, which means that the NICS check for pistol transfers is conducted by the state and the NICS check for long gun transfers is conducted by the firearms dealer. Local law enforcement agencies have the responsibility of serving as the partial POC for licensed dealers in conducting the NICS checks for pistol transfers.

State Law.

Under state law, a state background check in addition to the federal NICS background check is required for the purchase or transfer of a pistol or semiautomatic assault rifle. The state background check must be conducted by the local law enforcement agency, or the state if a state background check system is established.

A firearms dealer may not deliver a pistol to a purchaser or transferee until one of the following occurs:

- the purchaser produces a valid concealed pistol license;
- the results of required background checks are known and the purchaser or transferee is not ineligible to possess a firearm; or
- 10 business days have elapsed since the application was received by the law enforcement agency (with exceptions extending this time period).

A dealer may not deliver a semiautomatic assault rifle to a purchaser until:

- the purchaser provides proof of completion of a recognized firearm safety program within the last five years; and
- the results of required background checks are known and the purchaser or transferee is not ineligible to possess a firearm; or
- 10 business days have elapsed from the date of the purchase application, or for a transfer, from the date the dealer requested the background check (with exceptions extending this time period). A dealer may not transfer a semiautomatic assault rifle prior to the expiration of this 10-day period.

A dealer must hold delivery of a pistol or semiautomatic assault rifle if the applicant has an outstanding arrest warrant or the law enforcement agency has notified the dealer of an investigative hold based on open or pending charges or proceedings.

The recognized firearm safety training program required for purchasers of semiautomatic assault rifles must be provided by specified entities and must include certain minimum instructional

components, including basic firearms safety rules, firearms and children, firearms and suicide prevention, secure gun storage to prevent unauthorized access and use, safe handling of firearms, and state and federal firearms laws.

An applicant for the purchase of a pistol or semiautomatic assault rifle must complete and sign an application that includes specified information concerning the applicant and information relating to the firearm being purchased. The dealer must deliver a copy of the application to the local law enforcement agency where the purchaser resides for a background check. The dealer must make a record of all pistols and semiautomatic assault rifles sold that includes information concerning the purchaser and firearm. The dealer must retain a copy of the transfer record for six years. A copy of the transfer record must be sent to the local law enforcement agency and the Department of Licensing (DOL). The DOL must retain records of applications to purchase pistols or semiautomatic assault rifles and records of pistol or semiautomatic assault rifle transfers.

A dealer must charge a fee set by the DOL for applications for the sale or transfer of semiautomatic assault rifles. Currently this fee is set at \$18.

State Firearms Background Check System.

Pursuant to legislation enacted in 2020, the Washington State Patrol (WSP) Firearms Background Check Program is in the process of establishing a centralized state firearm background check system, which is expected to be operational statewide beginning January 1, 2024. Once the state system is operational, firearms dealers must contact the WSP Background Check Program to conduct background checks for all firearms transfers.

Once the state firearms background check system is operational, the WSP will charge a fee of up to \$18 for all firearms transfers, and the intent of the Legislature is that this firearm transfer fee replaces the fee for semiautomatic assault rifles.

Summary of Bill:

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. Provisions governing investigative holds on the delivery of a firearm based on outstanding warrants or open or pending criminal charges are eliminated.

In addition, a dealer may not transfer any firearm to a purchaser or transferee unless the purchaser produces a certificate of a completion of a certified firearms safety training program within the last five years, or proof of an exemption from the training requirement. The certified program must include instruction on components currently required for firearms safety training for semiautomatic assault rifle purchases and in addition must include instruction on: state laws pertaining to the use of deadly force for self-defense; techniques for avoiding a criminal attack and how to manage a violent confrontation; and live-fire shooting exercises on a firing range that

include a demonstration by the applicant of the safe handling of, and shooting proficiency with, firearms. The WSP must certify training programs that meets these requirements and prescribe the form of documentation for use as proof of completion of a training program or proof of an exemption.

Exemptions from the training requirement are provided for: peace officers certified by the Criminal Justice Training Commission; and military members who have completed firearms training within the last five years as part of service that included training on the safe handling of, and shooting proficiency with, firearms.

Transfer application requirements and the requirement that a dealer must make a record for pistol and semiautomatic assault rifle transfers are made applicable to all firearms transfers.

Effective January 1, 2024, a state background check must be conducted for all firearms transfers. Firearms transfer and background check processes are revised to conform to procedures that will apply upon implementation of the state firearms background check program, including requiring background checks through the WSP Firearms Background Check Program rather than local law enforcement agencies. A dealer must transmit the information from a firearms purchase application through secure automated firearms e-check (SAFE) to the WSP Firearms Background Check Program. The WSP Firearms Background Check Program must transmit the application information to the DOL daily. The fee applicable to the purchase or transfer of semiautomatic assault rifles is eliminated.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.