
Civil Rights & Judiciary Committee

ESSB 5985

Brief Description: Concerning firearms background check program.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Hansen, Dhingra, Frame, Hasegawa, Hunt, Kuderer, Liias, Lovick, Nguyen, Pedersen, Stanford, Trudeau, Valdez, Wellman and Wilson, C.; by request of Washington State Patrol).

<p style="text-align: center;">Brief Summary of Engrossed Substitute Bill</p> <ul style="list-style-type: none">• Updates references related to firearms background checks to refer to the Washington State Patrol Firearms Background Check Program.
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Hearing Date: 2/16/24

Staff: Matt Sterling (786-7289).

Background:

Firearms Background Checks.

State law requires background checks for the sale or transfer of a firearm where either the purchaser or seller or the transferee or transferor is in Washington unless specifically exempted by state or federal law. This requirement applies to all sales or transfers including sales and transfers through a licensed dealer, at gun shows, online, or between unlicensed individuals. When neither party to a prospective firearms transaction is a licensed dealer, the parties must complete the transaction through a licensed dealer who must process the sale or transfer as if it is selling or transferring the firearm from its own inventory.

Washington State Patrol Firearms Background Check Program.

Pursuant to legislation enacted in 2020 the Washington State Patrol (WSP) created an automated firearms background check program to conduct background checks on applicants for the

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purchase or transfer of firearms. Firearm dealers must use the WSP program to process all firearm background checks. When the WSP receives a request from a dealer for a background check in connection with the sale or transfer of a firearm, the WSP must:

- conduct a check of appropriate federal and state databases or resources that includes the:
 - National Instant Criminal Background Check System (NICS);
 - Washington Crime Information Center and Washington State Identification System;
 - Health Care Authority electronic database;
 - Federal Bureau of Investigations national data exchange database and any available repository of statewide local law enforcement record management systems information; and
 - the Administrative Office of the Courts case management system;
- perform an equivalency analysis on criminal charges in foreign jurisdictions to determine if the applicant has been convicted of an out-of-state crime that would prohibit firearm ownership in Washington; and
- notify the dealer without delay if the records indicate the individual is approved or prohibited from possessing a firearm or whether more investigation is needed.

Involuntary Treatment Act Possession of Firearm National Instant Criminal Background Check System Database.

When a person is detained under the Involuntary Treatment Act (ITA) for 72 hours on the grounds the person presents a likelihood of serious harm, but not detained for an additional 14 days, that person loses their right to possess a firearm for six months after the date of detention. The facility detaining the person must forward a copy of the person's identifying documents to the Department of Licensing and the WSP. The WSP must then forward the document to the NICS. The person's right to possess a firearm is automatically restored at the end of the six-month period and the WSP must forward notice that the person's right to possess a firearm has been restored to the NICS.

Summary of Bill:

Washington State Patrol Firearms Background Check Program.

The WSP Firearms Background Check Program is defined as meaning the division within the state patrol that conducts all firearm transfers and the disposition of firearms. Provisions of law concerning firearm background checks are updated to specifically reference the WSP Firearms Background Check Program.

Beginning July 1, 2025, the WSP Firearms Background Check Program must annually report the average time between the receipt of requests for background checks and the final decision to the appropriate committees of the Legislature.

Involuntary Treatment Act Possession of Firearm National Instant Criminal Background Check System Database.

After the six-month period in which a person has lost their right to possess a firearm due to a 72-hour detainment under the ITA, the WSP Firearms Background Check Program must

remove the person from the NICS database rather than forwarding notice of the restoration of firearm rights to NICS.

Appropriation: None.

Fiscal Note: Requested on February 14, 2024.

Effective Date: The bill takes effect 30 days after the Washington State firearms background check program becomes active.