

SENATE BILL REPORT

SB 5006

As of January 6, 2023

Title: An act relating to clarifying waiver of firearm rights.

Brief Description: Clarifying waiver of firearm rights.

Sponsors: Senators Pedersen and Rivers.

Brief History:

Committee Activity: Law & Justice: 1/12/23.

Brief Summary of Bill

- Creates a new civil infraction for persons who have in their possession or have under their control a firearm after filing a voluntary waiver of firearm rights.
- Permits voluntary waiver of firearm rights to be submitted either in writing or electronically and requires the clerk of the court to immediately notify a filer and contact persons when a voluntary waiver of firearm rights has been accepted.
- Allows a filer to update contact person information by making an electronic or written request to the clerk of the court.
- Encourages mental health professionals and substance use disorder professionals to discuss with their patients the voluntary waiver of firearm rights.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

Background: In 2018, the Legislature passed SB 5553, allowing any person to file a

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voluntary waiver of firearm rights with the clerk of the court in any county in Washington. The clerk of the court must verify the person's identity using photo identification. Once the waiver has been accepted, the clerk must transmit the waiver to the Washington State Patrol (WSP) by the end of the business day. WSP must enter the waiver into the National Instant Criminal Background Check System (NICS), and all other databases used to identify persons prohibited from buying firearms, within 24 hours of receiving a voluntary waiver of firearm rights.

A person may file a revocation of the voluntary waiver of firearm rights in the same county where the waiver was originally filed after seven days have passed. WSP must remove the person from the NICS database and any other federal or state computer-based systems used to identify prohibited purchasers of firearms within seven days of receiving a revocation of the waiver, unless the person is otherwise ineligible to possess a firearm.

For a waiver to be entered into the NICS database, it must be considered prohibiting. The federal Gun Control Act, among other restrictions, prohibits firearm dealers from selling to an individual based on a violation of any state law or any published ordinance.

Summary of Bill: Any person may file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington State, either in writing or electronically. The clerk of the court must verify a person's identity using either a physical or scanned copy of photo identification.

When a person files a voluntary waiver of firearm rights, the person may name a family member, mental health professional, substance use disorder professional, or alternate person to be contacted if the person attempts to purchase a firearm while the voluntary waiver is in effect or if it is revoked. The filer may update the contact person information by making an electronic or written request to the clerk. The clerk of the court must immediately notify the filer and any of the contact people listed on the form if the filer's waiver has been accepted. The clerk of the court must give notice that possession or control of a firearm is unlawful and that any firearm under the filer's possession or control should be immediately surrendered.

A new class 4 civil infraction is created for persons who have in their possession or have under their control a firearm after filing a voluntary waiver of firearm rights and the form has been accepted by the clerk of the court. Each firearm possessed is a separate infraction.

Mental health professionals and substance use disorder professionals are encouraged to talk to their patients about the voluntary waiver of firearm rights if they reasonably believe that such a discussion will avoid or minimize an imminent danger to the health or safety of the individual or other individuals, but there is no obligation to do so.

Appropriation: None.

Fiscal Note: Requested on December 29, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.