

FINAL BILL REPORT

ESSB 5985

C 289 L 24
Synopsis as Enacted

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).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: 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, but not limited to, 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.

Pursuant to legislation enacted in 2020 the Washington State Patrol (WSP) created an automated firearms background check system to conduct background checks on applicants for the purchase or transfer of firearms. Firearm dealers must now use the WSP system to process all firearm background checks.

When WSP receives a request from a dealer for a background check in connection with the sale or transfer of a firearm, WSP must:

- conduct a check of federal and state databases, including the National Instant Criminal Background Check System (NICS); the Washington Crime Information Center and the Washington State Identification System; the Health Care Authority electronic database, the Federal Bureau of Investigations national data exchange database, and any available repository of statewide local law enforcement record management systems information; the Administrative Office of the Courts Case

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.

- Management System; and other databases or resources as appropriate;
- 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.

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 WSP. 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. At the end of the six-month period WSP must forward notice to the NICS that the person's right to possess a firearm has been restored.

Summary: WSP Firearms Background Check Program is defined as meaning the division within the WSP that conducts all firearm transfers and the disposition of firearms. Statutes concerning firearm background checks are updated to specifically reference the WSP Firearms Background Check Program.

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.

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

Votes on Final Passage:

Senate	29	20	
House	63	33	(House amended)
Senate	30	19	(Senate concurred)

Effective: March 26, 2024