

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143

68th Legislature
2023 Regular Session

Passed by the House April 14, 2023
Yeas 52 Nays 44

**Speaker of the House of
Representatives**

Passed by the Senate April 7, 2023
Yeas 28 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse, and Ormsby; by request of Office of the Governor)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to enhancing requirements for the purchase or
2 transfer of firearms by requiring a permit to purchase firearms,
3 firearms safety training, and a 10-day waiting period, prohibiting
4 firearms transfers prior to completion of a background check, and
5 updating and creating consistency in firearms transfer and background
6 check procedures; amending RCW 9.41.090, 9.41.047, 9.41.092,
7 9.41.094, 9.41.097, 9.41.0975, 9.41.110, and 9.41.1135; adding a new
8 section to chapter 9.41 RCW; creating a new section; repealing 2019 c
9 244 s 1; and providing an effective date.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read
12 as follows:

13 (1) In addition to the other requirements of this chapter, no
14 dealer may deliver a (~~pistol~~) firearm to the purchaser thereof
15 until:

16 (a) The purchaser (~~produces a valid concealed pistol license and~~
17 ~~the dealer has recorded the purchaser's name, license number, and~~
18 ~~issuing agency, such record to be made in triplicate and processed as~~
19 ~~provided in subsection (6) of this section. For purposes of this~~
20 ~~subsection (1)(a), a "valid concealed pistol license" does not~~
21 ~~include a temporary emergency license, and does not include any~~

1 license issued before July 1, 1996, unless the issuing agency
2 conducted a records search for disqualifying crimes under RCW
3 9.41.070 at the time of issuance) provides proof of completion of a
4 recognized firearm safety training program within the last five years
5 that complies with the requirements in section 2 of this act, or
6 proof that the purchaser is exempt from the training requirement;

7 (b) The dealer is notified (~~in writing by (i) the chief of~~
8 ~~police or the sheriff of the jurisdiction in which the purchaser~~
9 ~~resides that the purchaser is eligible to possess a pistol under RCW~~
10 ~~9.41.040 and that the application to purchase is approved by the~~
11 ~~chief of police or sheriff; or (ii) the state)) by the Washington
12 state patrol firearms background check program that the purchaser is
13 eligible to possess a firearm under ((RCW 9.41.040, as provided in
14 subsection (3)(b) of this section; or)) state and federal law; and~~

15 (c) The requirements ((~~or~~)) and time periods in RCW 9.41.092 have
16 been satisfied.

17 (2) ((~~In addition to the other requirements of this chapter, no~~
18 ~~dealer may deliver a semiautomatic assault rifle to the purchaser~~
19 ~~thereof until:~~

20 ~~(a) The purchaser provides proof that he or she has completed a~~
21 ~~recognized firearm safety training program within the last five years~~
22 ~~that, at a minimum, includes instruction on:~~

- 23 ~~(i) Basic firearms safety rules;~~
- 24 ~~(ii) Firearms and children, including secure gun storage and~~
25 ~~talking to children about gun safety;~~
- 26 ~~(iii) Firearms and suicide prevention;~~
- 27 ~~(iv) Secure gun storage to prevent unauthorized access and use;~~
- 28 ~~(v) Safe handling of firearms; and~~
- 29 ~~(vi) State and federal firearms laws, including prohibited~~
30 ~~firearms transfers.~~

31 The training must be sponsored by a federal, state, county, or
32 municipal law enforcement agency, a college or university, a
33 nationally recognized organization that customarily offers firearms
34 training, or a firearms training school with instructors certified by
35 a nationally recognized organization that customarily offers firearms
36 training. The proof of training shall be in the form of a
37 certification that states under the penalty of perjury the training
38 included the minimum requirements; and

39 (b) The dealer is notified in writing by (i) the chief of police
40 or the sheriff of the jurisdiction in which the purchaser resides

1 ~~that the purchaser is eligible to possess a firearm under~~
2 ~~RCW 9.41.040 and that the application to purchase is approved by the~~
3 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~
4 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~
5 ~~subsection (3) (b) of this section; or~~

6 ~~(c) The requirements or time periods in RCW 9.41.092 have been~~
7 ~~satisfied.~~

8 ~~(3) (a) Except as provided in (b) of this subsection, in)) In~~
9 ~~determining whether the purchaser ((meets the requirements of RCW~~
10 ~~9.41.040)) is eligible to possess a firearm, the ((chief of police or~~
11 ~~sheriff, or the designee of either,)) Washington state patrol~~
12 ~~firearms background check program shall check with the ((national~~
13 ~~crime information center, including the)) national instant criminal~~
14 ~~background check system, provided for by the Brady handgun violence~~
15 ~~prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state~~
16 ~~patrol electronic database, the health care authority electronic~~
17 ~~database, the administrative office of the courts, LINX-NW, and with~~
18 ~~other agencies or resources as appropriate, to determine whether the~~
19 ~~applicant is ineligible under RCW 9.41.040 to possess a firearm.~~

20 ~~((b) The state, through the legislature or initiative process,~~
21 ~~may enact a statewide firearms background check system equivalent to,~~
22 ~~or more comprehensive than, the check required by (a) of this~~
23 ~~subsection to determine that a purchaser is eligible to possess a~~
24 ~~firearm under RCW 9.41.040. Once a state system is established, a~~
25 ~~dealer shall use the state system and national instant criminal~~
26 ~~background check system, provided for by the Brady handgun violence~~
27 ~~prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal~~
28 ~~background checks of applicants to purchase firearms.~~

29 ~~(4) In any case under this section where the applicant has an~~
30 ~~outstanding warrant for his or her arrest from any court of competent~~
31 ~~jurisdiction for a felony or misdemeanor, the dealer shall hold the~~
32 ~~delivery of the pistol or semiautomatic assault rifle until the~~
33 ~~warrant for arrest is served and satisfied by appropriate court~~
34 ~~appearance. The local jurisdiction for purposes of the sale, or the~~
35 ~~state pursuant to subsection (3) (b) of this section, shall confirm~~
36 ~~the existence of outstanding warrants within seventy-two hours after~~
37 ~~notification of the application to purchase a pistol or semiautomatic~~
38 ~~assault rifle is received. The local jurisdiction shall also~~
39 ~~immediately confirm the satisfaction of the warrant on request of the~~
40 ~~dealer so that the hold may be released if the warrant was for an~~

1 ~~offense other than an offense making a person ineligible under RCW~~
2 ~~9.41.040 to possess a firearm.~~

3 ~~(5) In any case where the chief or sheriff of the local~~
4 ~~jurisdiction, or the state pursuant to subsection (3) (b) of this~~
5 ~~section, has reasonable grounds based on the following circumstances:~~
6 ~~(a) Open criminal charges, (b) pending criminal proceedings, (c)~~
7 ~~pending commitment proceedings, (d) an outstanding warrant for an~~
8 ~~offense making a person ineligible under RCW 9.41.040 to possess a~~
9 ~~firearm, or (e) an arrest for an offense making a person ineligible~~
10 ~~under RCW 9.41.040 to possess a firearm, if the records of~~
11 ~~disposition have not yet been reported or entered sufficiently to~~
12 ~~determine eligibility to purchase a firearm, the local jurisdiction~~
13 ~~or the state may hold the sale and delivery of the pistol or~~
14 ~~semiautomatic assault rifle up to thirty days in order to confirm~~
15 ~~existing records in this state or elsewhere. After thirty days, the~~
16 ~~hold will be lifted unless an extension of the thirty days is~~
17 ~~approved by a local district court, superior court, or municipal~~
18 ~~court for good cause shown. A dealer shall be notified of each hold~~
19 ~~placed on the sale by local law enforcement or the state and of any~~
20 ~~application to the court for additional hold period to confirm~~
21 ~~records or confirm the identity of the applicant.~~

22 ~~(6))~~ (3)(a) At the time of applying for the purchase of a
23 ~~((pistol or semiautomatic assault rifle))~~ firearm, the purchaser
24 shall sign ~~((in triplicate))~~ and deliver to the dealer an application
25 containing:

26 (i) His or her full name, residential address, date and place of
27 birth, race, and gender;

28 (ii) The date and hour of the application;

29 (iii) The applicant's driver's license number or state
30 identification card number;

31 (iv) A description of the ~~((pistol or semiautomatic assault~~
32 ~~rifle))~~ firearm including the make, model, caliber and manufacturer's
33 number if available at the time of applying for the purchase of ~~((a~~
34 ~~pistol or semiautomatic assault rifle))~~ the firearm. If the
35 manufacturer's number is not available at the time of applying for
36 the purchase of a ~~((pistol or semiautomatic assault rifle))~~ firearm,
37 the application may be processed, but delivery of the ~~((pistol or~~
38 ~~semiautomatic assault rifle))~~ firearm to the purchaser may not occur
39 unless the manufacturer's number is recorded on the application by
40 the dealer and transmitted to the ~~((chief of police of the~~

1 ~~municipality or the sheriff of the county in which the purchaser~~
2 ~~resides, or the state pursuant to subsection (3)(b) of this section))~~
3 Washington state patrol firearms background check program; and

4 (v) A statement that the purchaser is eligible to purchase and
5 possess a firearm under state and federal law(~~;~~ and

6 ~~(vi) If purchasing a semiautomatic assault rifle, a statement by~~
7 ~~the applicant under penalty of perjury that the applicant has~~
8 ~~completed a recognized firearm safety training program within the~~
9 ~~last five years, as required by subsection (2) of this section)).~~

10 (b) The ~~((application))~~ dealer shall ~~((contain))~~ provide the
11 applicant with information that contains two warnings substantially
12 stated as follows:

13 (i) CAUTION: Although state and local laws do not differ, federal
14 law and state law on the possession of firearms differ. If you are
15 prohibited by federal law from possessing a firearm, you may be
16 prosecuted in federal court. State permission to purchase a firearm
17 is not a defense to a federal prosecution; and

18 (ii) CAUTION: The presence of a firearm in the home has been
19 associated with an increased risk of death to self and others,
20 including an increased risk of suicide, death during domestic
21 violence incidents, and unintentional deaths to children and others.

22 The purchaser shall be given a copy of the department of fish and
23 wildlife pamphlet on the legal limits of the use of firearms and
24 firearms safety.

25 (c) The dealer shall, by the end of the business day, ~~((sign and~~
26 ~~attach his or her address and deliver a copy of the application and~~
27 ~~such other documentation as required under subsections (1) and (2) of~~
28 ~~this section to the chief of police of the municipality or the~~
29 ~~sheriff of the county of which the purchaser is a resident, or the~~
30 ~~state pursuant to subsection (3)(b) of this section))~~ transmit the
31 information from the application through secure automated firearms e-
32 check (SAFE) to the Washington state patrol firearms background check
33 program. The ~~((triplicate))~~ original application shall be retained by
34 the dealer for six years.

35 (d) The dealer shall deliver the ~~((pistol or semiautomatic~~
36 ~~assault rifle))~~ firearm to the purchaser ~~((following))~~ once the
37 requirements and period of time specified in this chapter ~~((unless~~
38 ~~the dealer is notified of an investigative hold under subsection (5)~~
39 ~~of this section in writing by the chief of police of the~~

1 ~~municipality, the sheriff of the county, or the state, whichever is~~
2 ~~applicable, or of the denial of the purchaser's application to~~
3 ~~purchase and the grounds thereof)) are satisfied. The application~~
4 shall not be denied unless the purchaser is not eligible to purchase
5 or possess the firearm under state or federal law or has not complied
6 with the requirements of this section.

7 ~~((d))~~ (e) ~~The ((chief of police of the municipality or the~~
8 ~~sheriff of the county, or the state pursuant to subsection (3)(b) of~~
9 ~~this section,)) Washington state patrol firearms background check~~
10 program shall retain or destroy applications to purchase a ~~((pistol~~
11 ~~or semiautomatic assault rifle)) firearm in accordance with the~~
12 requirements of 18 U.S.C. Sec. 922.

13 ~~((7)(a) To help offset the administrative costs of implementing~~
14 ~~this section as it relates to new requirements for semiautomatic~~
15 ~~assault rifles, the department of licensing may require the dealer to~~
16 ~~charge each semiautomatic assault rifle purchaser or transferee a fee~~
17 ~~not to exceed twenty-five dollars, except that the fee may be~~
18 ~~adjusted at the beginning of each biennium to levels not to exceed~~
19 ~~the percentage increase in the consumer price index for all urban~~
20 ~~consumers, CPI-W, or a successor index, for the previous biennium as~~
21 ~~calculated by the United States department of labor.~~

22 ~~(b) The fee under (a) of this subsection shall be no more than is~~
23 ~~necessary to fund the following:~~

24 ~~(i) The state for the cost of meeting its obligations under this~~
25 ~~section;~~

26 ~~(ii) The health care authority, mental health institutions, and~~
27 ~~other health care facilities for state-mandated costs resulting from~~
28 ~~the reporting requirements imposed by RCW 9.41.097(1); and~~

29 ~~(iii) Local law enforcement agencies for state-mandated local~~
30 ~~costs resulting from the requirements set forth under RCW 9.41.090~~
31 ~~and this section.~~

32 ~~(8))~~ (4) A person who knowingly makes a false statement
33 regarding identity or eligibility requirements on the application to
34 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

35 ~~((9))~~ (5) This section does not apply to sales to licensed
36 dealers for resale or to the sale of antique firearms.

37 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW
38 to read as follows:

1 (1) A person applying for the purchase or transfer of a firearm
2 must provide proof of completion of a recognized firearms safety
3 training program within the last five years that, at a minimum,
4 includes instruction on:

5 (a) Basic firearms safety rules;

6 (b) Firearms and children, including secure gun storage and
7 talking to children about gun safety;

8 (c) Firearms and suicide prevention;

9 (d) Secure gun storage to prevent unauthorized access and use;

10 (e) Safe handling of firearms;

11 (f) State and federal firearms laws, including prohibited
12 firearms transfers and locations where firearms are prohibited;

13 (g) State laws pertaining to the use of deadly force for self-
14 defense; and

15 (h) Techniques for avoiding a criminal attack and how to manage a
16 violent confrontation, including conflict resolution.

17 (2) The training must be sponsored by a federal, state, county,
18 or municipal law enforcement agency, a college or university, a
19 nationally recognized organization that customarily offers firearms
20 training, or a firearms training school with instructors certified by
21 a nationally recognized organization that customarily offers firearms
22 training. The proof of training shall be in the form of a
23 certification that states under the penalty of perjury that the
24 training included the minimum requirements.

25 (3) The training may include stories provided by individuals with
26 lived experience in the topics listed in subsection (1)(a) through
27 (g) of this section or an understanding of the legal and social
28 impacts of discharging a firearm.

29 (4) The firearms safety training requirement of this section does
30 not apply to:

31 (a) A person who is a:

32 (i) General authority Washington peace officer as defined in RCW
33 10.93.020;

34 (ii) Limited authority Washington peace officer as defined in RCW
35 10.93.020 who as a normal part of their duties has arrest powers and
36 carries a firearm;

37 (iii) Specially commissioned Washington peace officer as defined
38 in RCW 10.93.020 who as a normal part of their duties has arrest
39 powers and carries a firearm; or

1 (iv) Federal peace officer as defined in RCW 10.93.020 who as a
2 normal part of their duties has arrest powers and carries a firearm;
3 or

4 (b) A person who is an active duty member of the armed forces of
5 the United States, an active member of the national guard, or an
6 active member of the armed forces reserves who, as part of the
7 applicant's service, has completed, within the last five years, a
8 course of training in firearms proficiency or familiarization that
9 included training on the safe handling and shooting proficiency with
10 firearms.

11 **Sec. 3.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to
12 read as follows:

13 (1)(a) At the time a person is convicted or found not guilty by
14 reason of insanity of an offense making the person ineligible to
15 possess a firearm under state or federal law, including if the person
16 was convicted of possession under RCW 69.50.4011, 69.50.4013,
17 69.50.4014, or 69.41.030, or at the time a person is committed by
18 court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
19 chapter 10.77 RCW for mental health treatment, or at the time that
20 charges are dismissed based on incompetency to stand trial under RCW
21 10.77.088 and the court makes a finding that the person has a history
22 of one or more violent acts, the convicting or committing court, or
23 court that dismisses charges, shall notify the person, orally and in
24 writing, that the person must immediately surrender any concealed
25 pistol license and that the person may not possess a firearm unless
26 his or her right to do so is restored by a court of record. For
27 purposes of this section a convicting court includes a court in which
28 a person has been found not guilty by reason of insanity.

29 (b) The court shall forward within three judicial days after
30 conviction, entry of the commitment order, or dismissal of charges, a
31 copy of the person's driver's license or identicard, or comparable
32 information such as their name, address, and date of birth, along
33 with the date of conviction or commitment, or date charges are
34 dismissed, to the department of licensing and to the Washington state
35 patrol firearms background check program. When a person is committed
36 by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
37 or chapter 10.77 RCW, for mental health treatment, or when a person's
38 charges are dismissed based on incompetency to stand trial under RCW
39 10.77.088 and the court makes a finding that the person has a history

1 of one or more violent acts, the court also shall forward, within
2 three judicial days after entry of the commitment order, or dismissal
3 of charges, a copy of the person's driver's license, or comparable
4 information, along with the date of commitment or date charges are
5 dismissed, to the national instant criminal background check system
6 index, denied persons file, created by the federal Brady handgun
7 violence prevention act (P.L. 103-159). The petitioning party shall
8 provide the court with the information required. If more than one
9 commitment order is entered under one cause number, only one
10 notification to the department of licensing, the Washington state
11 patrol firearms background check program, and the national instant
12 criminal background check system is required.

13 (2) Upon receipt of the information provided for by subsection
14 (1) of this section, the department of licensing shall determine if
15 the convicted or committed person, or the person whose charges are
16 dismissed based on incompetency to stand trial, has a concealed
17 pistol license. If the person does have a concealed pistol license,
18 the department of licensing shall immediately notify the license-
19 issuing authority which, upon receipt of such notification, shall
20 immediately revoke the license.

21 (3)(a) A person who is prohibited from possessing a firearm, by
22 reason of having been involuntarily committed for mental health
23 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
24 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
25 by reason of having been detained under RCW 71.05.150 or 71.05.153,
26 or because the person's charges were dismissed based on incompetency
27 to stand trial under RCW 10.77.088 and the court made a finding that
28 the person has a history of one or more violent acts, may, upon
29 discharge, petition the superior court to have his or her right to
30 possess a firearm restored.

31 (b) The petition must be brought in the superior court that
32 ordered the involuntary commitment or dismissed the charges based on
33 incompetency to stand trial or the superior court of the county in
34 which the petitioner resides.

35 (c) Except as provided in (d) and (e) of this subsection, the
36 court shall restore the petitioner's right to possess a firearm if
37 the petitioner proves by a preponderance of the evidence that:

38 (i) The petitioner is no longer required to participate in court-
39 ordered inpatient or outpatient treatment;

1 (ii) The petitioner has successfully managed the condition
2 related to the commitment or detention or incompetency;

3 (iii) The petitioner no longer presents a substantial danger to
4 himself or herself, or the public; and

5 (iv) The symptoms related to the commitment or detention or
6 incompetency are not reasonably likely to recur.

7 (d) If a preponderance of the evidence in the record supports a
8 finding that the person petitioning the court has engaged in violence
9 and that it is more likely than not that the person will engage in
10 violence after his or her right to possess a firearm is restored, the
11 person shall bear the burden of proving by clear, cogent, and
12 convincing evidence that he or she does not present a substantial
13 danger to the safety of others.

14 (e) If the petitioner seeks restoration after having been
15 detained under RCW 71.05.150 or 71.05.153, the state shall bear the
16 burden of proof to show, by a preponderance of the evidence, that the
17 petitioner does not meet the restoration criteria in (c) of this
18 subsection.

19 (f) When a person's right to possess a firearm has been restored
20 under this subsection, the court shall forward, within three judicial
21 days after entry of the restoration order, notification that the
22 person's right to possess a firearm has been restored to the
23 department of licensing and the Washington state patrol criminal
24 records division, with a copy of the person's driver's license or
25 identicard, or comparable identification such as their name, address,
26 and date of birth, and to the health care authority, and the national
27 instant criminal background check system index, denied persons file.
28 In the case of a person whose right to possess a firearm has been
29 suspended for six months as provided in RCW 71.05.182, the department
30 of licensing shall forward notification of the restoration order to
31 the licensing authority, which, upon receipt of such notification,
32 shall immediately lift the suspension, restoring the person's
33 concealed pistol license.

34 (4) No person who has been found not guilty by reason of insanity
35 may petition a court for restoration of the right to possess a
36 firearm unless the person meets the requirements for the restoration
37 of the right to possess a firearm under RCW 9.41.040(4).

38 **Sec. 4.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read
39 as follows:

1 ~~((1))~~ Except as otherwise provided in this chapter ~~((and except~~
2 ~~for semiautomatic assault rifles under subsection (2) of this~~
3 ~~section)),~~ a licensed dealer may not deliver any firearm to a
4 purchaser or transferee until ~~((the earlier of))~~:

5 ~~((a))~~ (1) The results of all required background checks are
6 known and the purchaser or transferee ~~((i))~~ (a) is not prohibited
7 from owning or possessing a firearm under federal or state law and
8 ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights
9 currently in effect; ~~((or))~~ and

10 ~~((b))~~ (2) Ten business days have elapsed from the date the
11 licensed dealer requested the background check. ~~((However, for sales~~
12 ~~and transfers of pistols if the purchaser or transferee does not have~~
13 ~~a valid permanent Washington driver's license or state identification~~
14 ~~card or has not been a resident of the state for the previous~~
15 ~~consecutive ninety days, then the time period in this subsection~~
16 ~~shall be extended from ten business days to sixty days.~~

17 ~~(2) Except as otherwise provided in this chapter, a licensed~~
18 ~~dealer may not deliver a semiautomatic assault rifle to a purchaser~~
19 ~~or transferee until ten business days have elapsed from the date of~~
20 ~~the purchase application or, in the case of a transfer, ten business~~
21 ~~days have elapsed from the date a background check is initiated.)~~

22 **Sec. 5.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read
23 as follows:

24 A signed application to purchase a ~~((pistol or semiautomatic~~
25 ~~assault rifle))~~ firearm shall constitute a waiver of confidentiality
26 and written request that the health care authority, mental health
27 institutions, and other health care facilities release~~((, to an~~
28 ~~inquiring court or law enforcement agency,))~~ information relevant to
29 the applicant's eligibility to purchase a ~~((pistol or semiautomatic~~
30 ~~assault rifle))~~ firearm to an inquiring court ~~((or)),~~ law enforcement
31 agency, or the Washington state patrol firearms background check
32 program.

33 **Sec. 6.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read
34 as follows:

35 (1) The health care authority, mental health institutions, and
36 other health care facilities shall, upon request of a court, law
37 enforcement agency, or the state, supply such relevant information as
38 is necessary to determine the eligibility of a person to possess a

1 firearm (~~(or)~~), to be issued a concealed pistol license under RCW
2 9.41.070, or to purchase a (~~(pistol or semiautomatic assault rifle)~~)
3 firearm under RCW 9.41.090.

4 (2) Mental health information received by: (a) The department of
5 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing
6 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
7 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law
8 enforcement agency pursuant to subsection (1) of this section; or (e)
9 the Washington state patrol firearms background check program
10 pursuant to RCW 9.41.090, shall not be disclosed except as provided
11 in RCW 42.56.240(4).

12 **Sec. 7.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read
13 as follows:

14 (1) The state, local governmental entities, any public or private
15 agency, and the employees of any state or local governmental entity
16 or public or private agency, acting in good faith, are immune from
17 liability:

18 (a) For failure to prevent the sale or transfer of a firearm to a
19 person whose receipt or possession of the firearm is unlawful;

20 (b) For preventing the sale or transfer of a firearm to a person
21 who may lawfully receive or possess a firearm;

22 (c) For issuing a concealed pistol license or alien firearm
23 license to a person ineligible for such a license;

24 (d) For failing to issue a concealed pistol license or alien
25 firearm license to a person eligible for such a license;

26 (e) For revoking or failing to revoke an issued concealed pistol
27 license or alien firearm license;

28 (f) For errors in preparing or transmitting information as part
29 of determining a person's eligibility to receive or possess a
30 firearm, or eligibility for a concealed pistol license or alien
31 firearm license;

32 (g) For issuing a dealer's license to a person ineligible for
33 such a license; or

34 (h) For failing to issue a dealer's license to a person eligible
35 for such a license.

36 (2) An application may be made to a court of competent
37 jurisdiction for a writ of mandamus:

38 (a) Directing an issuing agency to issue a concealed pistol
39 license or alien firearm license wrongfully refused;

1 (b) Directing ((a law enforcement agency)) the Washington state
2 patrol firearms background check program to approve an application to
3 purchase a ((pistol or semiautomatic assault rifle)) firearm
4 wrongfully denied;

5 (c) Directing that erroneous information resulting either in the
6 wrongful refusal to issue a concealed pistol license or alien firearm
7 license or in the wrongful denial of a purchase application for a
8 ((pistol or semiautomatic assault rifle)) firearm be corrected; or

9 (d) Directing a law enforcement agency to approve a dealer's
10 license wrongfully denied.

11 The application for the writ may be made in the county in which
12 the application for a concealed pistol license or alien firearm
13 license or an application to purchase a ((pistol or semiautomatic
14 assault rifle)) firearm was made, or in Thurston county, at the
15 discretion of the petitioner. A court shall provide an expedited
16 hearing for an application brought under this subsection (2) for a
17 writ of mandamus. A person granted a writ of mandamus under this
18 subsection (2) shall be awarded reasonable attorneys' fees and costs.

19 **Sec. 8.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read
20 as follows:

21 (1) No dealer may sell or otherwise transfer, or expose for sale
22 or transfer, or have in his or her possession with intent to sell, or
23 otherwise transfer, any pistol without being licensed as provided in
24 this section.

25 (2) No dealer may sell or otherwise transfer, or expose for sale
26 or transfer, or have in his or her possession with intent to sell, or
27 otherwise transfer, any firearm other than a pistol without being
28 licensed as provided in this section.

29 (3) No dealer may sell or otherwise transfer, or expose for sale
30 or transfer, or have in his or her possession with intent to sell, or
31 otherwise transfer, any ammunition without being licensed as provided
32 in this section.

33 (4) The duly constituted licensing authorities of any city, town,
34 or political subdivision of this state shall grant licenses in forms
35 prescribed by the director of licensing effective for not more than
36 one year from the date of issue permitting the licensee to sell
37 firearms within this state subject to the following conditions, for
38 breach of any of which the license shall be forfeited and the
39 licensee subject to punishment as provided in ((RCW 9.41.010 through

1 ~~9.41.810~~) this chapter. A licensing authority shall forward a copy
2 of each license granted to the department of licensing. The
3 department of licensing shall notify the department of revenue of the
4 name and address of each dealer licensed under this section.

5 (5) (a) A licensing authority shall, within thirty days after the
6 filing of an application of any person for a dealer's license,
7 determine whether to grant the license. However, if the applicant
8 does not have a valid permanent Washington driver's license or
9 Washington state identification card, or has not been a resident of
10 the state for the previous consecutive ninety days, the licensing
11 authority shall have up to sixty days to determine whether to issue a
12 license. No person shall qualify for a license under this section
13 without first receiving a federal firearms license and undergoing
14 fingerprinting and a background check. In addition, no person
15 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
16 a concealed pistol license under RCW 9.41.070 shall qualify for a
17 dealer's license.

18 (b) A dealer shall require every employee who may sell a firearm
19 in the course of his or her employment to undergo fingerprinting and
20 a background check. An employee must be eligible to possess a
21 firearm, and must not have been convicted of a crime that would make
22 the person ineligible for a concealed pistol license, before being
23 permitted to sell a firearm. Every employee shall comply with
24 requirements concerning purchase applications and restrictions on
25 delivery of (~~pistols or semiautomatic assault rifles~~) firearms that
26 are applicable to dealers.

27 (6) (a) Except as otherwise provided in (b) of this subsection,
28 the business shall be carried on only in the building designated in
29 the license. For the purpose of this section, advertising firearms
30 for sale shall not be considered the carrying on of business.

31 (b) A dealer may conduct business temporarily at a location other
32 than the building designated in the license, if the temporary
33 location is within Washington state and is the location of a gun show
34 sponsored by a national, state, or local organization, or an
35 affiliate of any such organization, devoted to the collection,
36 competitive use, or other sporting use of firearms in the community.
37 Nothing in this subsection (6) (b) authorizes a dealer to conduct
38 business in or from a motorized or towed vehicle.

39 In conducting business temporarily at a location other than the
40 building designated in the license, the dealer shall comply with all

1 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
2 this section. The license of a dealer who fails to comply with the
3 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
4 section while conducting business at a temporary location shall be
5 revoked, and the dealer shall be permanently ineligible for a
6 dealer's license.

7 (7) The license or a copy thereof, certified by the issuing
8 authority, shall be displayed on the premises in the area where
9 firearms are sold, or at the temporary location, where it can easily
10 be read.

11 (8) (a) No (~~(pistol or semiautomatic assault rifle)~~) firearm may
12 be sold: (i) In violation of any provisions of (~~(RCW 9.41.010 through~~
13 ~~9.41.810)~~) this chapter; nor (ii) (~~(may a pistol or semiautomatic~~
14 ~~assault rifle be sold)~~) under any circumstances unless the purchaser
15 is personally known to the dealer or shall present clear evidence of
16 his or her identity.

17 (b) A dealer who sells or delivers any firearm in violation of
18 RCW 9.41.080 is guilty of a class C felony. In addition to any other
19 penalty provided for by law, the dealer is subject to mandatory
20 permanent revocation of his or her dealer's license and permanent
21 ineligibility for a dealer's license.

22 (c) The license fee for pistols shall be one hundred twenty-five
23 dollars. The license fee for firearms other than pistols shall be one
24 hundred twenty-five dollars. The license fee for ammunition shall be
25 one hundred twenty-five dollars. Any dealer who obtains any license
26 under subsection (1), (2), or (3) of this section may also obtain the
27 remaining licenses without payment of any fee. The fees received
28 under this section shall be deposited in the state general fund.

29 (9) (a) A true record (~~(in triplicate)~~) shall be made of every
30 pistol or semiautomatic assault rifle sold, in a book kept for the
31 purpose, the form of which may be prescribed by the director of
32 licensing and shall be personally signed by the purchaser and by the
33 person effecting the sale, each in the presence of the other, and
34 shall contain the date of sale, the caliber, make, model and
35 manufacturer's number of the weapon, the name, address, occupation,
36 and place of birth of the purchaser, and a statement signed by the
37 purchaser that he or she is not ineligible under state or federal law
38 to possess a firearm. The dealer shall retain the transfer record for
39 six years.

1 (b) (~~One copy shall within six hours be sent by certified mail~~
2 ~~to the chief of police of the municipality or the sheriff of the~~
3 ~~county of which the purchaser is a resident, or the state pursuant to~~
4 ~~RCW 9.41.090; the duplicate the dealer shall within seven days send~~
5 ~~to the director of licensing; the triplicate the dealer shall retain~~
6 ~~for six years.)) The dealer shall transmit the information from the
7 firearm transfer application through secure automated firearms e-
8 check (SAFE) to the Washington state patrol firearms background check
9 program. The Washington state patrol firearms background check
10 program shall transmit the application information for pistol and
11 semiautomatic assault rifle transfer applications to the director of
12 licensing daily. The original application shall be retained by the
13 dealer for six years.~~

14 (10) Subsections (2) through (9) of this section shall not apply
15 to sales at wholesale.

16 (11) The dealer's licenses authorized to be issued by this
17 section are general licenses covering all sales by the licensee
18 within the effective period of the licenses. The department shall
19 provide a single application form for dealer's licenses and a single
20 license form which shall indicate the type or types of licenses
21 granted.

22 (12) Except as otherwise provided in (~~RCW 9.41.090~~) this
23 chapter, every city, town, and political subdivision of this state is
24 prohibited from requiring the purchaser to secure a permit to
25 purchase or from requiring the dealer to secure an individual permit
26 for each sale.

27 **Sec. 9.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read
28 as follows:

29 (1) Beginning on the date that is thirty days after the
30 Washington state patrol issues a notification to dealers that a state
31 firearms background check system is established within the Washington
32 state patrol under RCW 43.43.580, a dealer shall use the Washington
33 state patrol firearms background check (~~system~~) program to conduct
34 background checks for all firearms transfers. A dealer may not sell
35 or transfer a firearm to an individual unless the dealer first
36 contacts the Washington state patrol firearms background check
37 program for a background check to determine the eligibility of the
38 purchaser or transferee to possess a firearm under state and federal
39 law and the requirements and time periods established in RCW 9.41.090

1 and 9.41.092 have been satisfied. (~~When an applicant applies for the~~
2 ~~purchase or transfer of a pistol or semiautomatic assault rifle, a~~
3 ~~dealer shall comply with all requirements of this chapter that apply~~
4 ~~to the sale or transfer of a pistol or semiautomatic rifle. The~~
5 ~~purchase or transfer of a firearm that is not a pistol or~~
6 ~~semiautomatic assault rifle must be processed in the same manner and~~
7 ~~under the same requirements of this chapter that apply to the sale or~~
8 ~~transfer of a pistol, except that the provisions of RCW 9.41.129, and~~
9 ~~the requirement in RCW 9.41.110(9)(b) concerning transmitting~~
10 ~~application records to the director of licensing, shall not apply to~~
11 ~~these transactions.))~~

12 (2) A dealer shall charge a purchaser or transferee a background
13 check fee in an amount determined by the Washington state patrol and
14 remit the proceeds from the fee to the Washington state patrol on a
15 monthly basis. The background check fee does not apply to any
16 background check conducted in connection with a pawnbroker's receipt
17 of a pawned firearm or the redemption of a pawned firearm.

18 (3) This section does not apply to sales or transfers to licensed
19 dealers or to the sale or transfer of an antique firearm.

20 NEW SECTION. **Sec. 10.** 2019 c 244 s 1 is repealed.

21 NEW SECTION. **Sec. 11.** This act takes effect January 1, 2024.

22 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2023, in the omnibus appropriations act, this
25 act is null and void.

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