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## Civil Rights & Judiciary Committee

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### HB 1163

**Brief Description:** Enhancing requirements relating to the purchase, transfer, and possession of firearms.

**Sponsors:** Representatives Berry, Taylor, Farivar, Walen, Pollet, Alvarado, Mena, Duerr, Reed, Ryu, Parshley, Ramel, Fitzgibbon, Callan, Macri, Cortes, Obras, Doglio, Gregerson, Simmons, Peterson, Street, Goodman, Wylie, Fey, Kloba, Berg, Davis, Fosse, Salahuddin, Hill and Tharinger.

#### Brief Summary of Bill

- Provides that a dealer may not transfer a firearm to a purchaser or transferee unless the person has a valid permit to purchase firearms, and establishes requirements for the application, issuance, and revocation of permits to purchase firearms.
- Provides that proof of completion of required firearms safety training must be provided to obtain a permit to purchase firearms or a concealed pistol license, updates training program components, and requires the Washington State Patrol to certify training programs.
- Establishes procedures for court review of denials of firearm transfers, permits to purchase firearms, and concealed pistol licenses.
- Addresses background check procedures when a person applying for the transfer of a firearm has outstanding warrants, open criminal charges, or pending criminal or commitment proceedings.
- Applies application, transfer record, and recordkeeping requirements to all firearm transfers.

**Hearing Date:** 1/21/25

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*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.*

**Staff:** Edie Adams (786-7180).

## **Background:**

### Dealer Transfers.

Firearms dealers must be licensed under both federal and state law and must comply with federal and state law when making firearms transfers. Dealers are required by federal law and state law to conduct background checks on prospective firearm purchasers to determine whether the purchaser is eligible to possess a firearm. State law provides that all firearms sales or transfers are subject to a background check unless specifically exempted by law and must be conducted through a dealer. The Washington State Patrol (WSP) Firearms Background Check Program is responsible for conducting the background check for all firearms transfers.

Under state law, a dealer may not deliver a firearm to a purchaser or transferee until:

- the purchaser provides proof of completion of a recognized firearm safety program within the last five years, or proof of an exemption from the training requirement;
- the dealer is notified by the WSP Firearms Background Check Program that the purchaser is eligible to possess a firearm under state and federal law; and
- 10 business days have elapsed from the date the dealer requested the background check.

The firearm safety training program must include the following minimum components: basic firearms safety rules, firearms and children, firearms and suicide prevention, secure gun storage, safe handling of firearms, state and federal firearms laws, state laws pertaining to the use of deadly force for self-defense, and techniques for avoiding a criminal attack and managing a violent confrontation. Proof of training must be in the form of a certification stating under penalty of perjury that the training included the minimum requirements. Exemptions from the training requirement are provided for: (1) general authority Washington peace officers, as well as limited authority and special Washington peace officers and federal peace officers who have arrest powers and carry a firearm; and (2) military members who have completed firearms training within the last five years as part of their service that included training on the safe handling of, and shooting proficiency with, firearms.

A dealer must make a record of all pistols and semiautomatic assault rifles sold that includes information concerning the purchaser and firearm. The dealer must transmit a copy of the transfer record to the WSP Firearms Background Check Program. The WSP Firearms Background Check Program must transmit the information from transfer applications and transfer records to the Department of Licensing (DOL) and the DOL must retain application and transfer records for pistols and semiautomatic assault rifles.

### Concealed Pistol Licenses.

It is generally unlawful for a person to carry a concealed pistol, except in the person's abode or fixed place of business, unless the person has a valid concealed pistol license (CPL). Carrying a concealed pistol without having been issued a CPL is a misdemeanor offense. Failure to carry a CPL in one's immediate possession while carrying a concealed pistol is a civil infraction.

In order to obtain a CPL, a person must apply with the local law enforcement agency and undergo a fingerprint-based background check to determine eligibility. An application for a CPL must include the applicant's name, residential address, date and place of birth, race, gender, description, complete set of fingerprints, and driver's license number or state identification card if used for identification in applying for the license.

A CPL must be issued if the applicant is 21 years of age or older, is eligible to possess a firearm under state and federal law, and meets the following additional requirements:

- is not subject to a court injunction regarding firearms under a number of listed protection, restraining, and no-contact orders;
- is not pending trial, appeal, or sentencing for a felony offense;
- is not subject to an outstanding arrest warrant for any crime; and
- has not, within the past year, been ordered to forfeit a firearm for possessing a concealed firearm while intoxicated in a place where a CPL is required.

#### Court Review Procedures.

A person whose application for a firearm transfer or a CPL is denied may apply to a court for a writ of mandamus directing that the WSP Firearms Background Check Program approve a transfer application wrongfully denied, or that an issuing agency issue a CPL wrongfully denied. An application for a writ of mandamus also may be brought to direct that erroneous information resulting in the wrongful denial of an application for a firearm transfer or a CPL be corrected.

#### **Summary of Bill:**

##### Dealer Transfers.

A dealer may not deliver a firearm to a purchaser or transferee until the purchaser or transferee produces a valid permit to purchase firearms. The application for the purchase or transfer of a firearm must include the identification number of the applicant's permit to purchase firearms. The requirement that the applicant provide the dealer with proof of completion of a recognized firearm safety program is removed and is instead required as part of the application for a permit to purchase firearms.

When conducting background checks for firearms transfers, the WSP Firearms Background Check Program must advise the dealer that the delivery of the firearm is delayed if the applicant has an outstanding arrest warrant. Upon confirming that the warrant is valid, the WSP Firearms Background Check Program will advise the dealer that transfer of the firearm is denied. In addition, the WSP Firearms Background Check Program must notify a dealer that delivery of the firearm is delayed in order to confirm existing records where there are open criminal charges, pending criminal or commitment proceedings, or an arrest for a disqualifying offense.

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. The DOL must retain records of applications and transfer records for all firearms transfers.

### Permit to Purchase Firearms.

A person may apply for a permit to purchase firearms with the WSP Firearms Background Check Program. The applicant must submit with the application a complete set of fingerprints taken by the local law enforcement agency in the jurisdiction in which the applicant resides and a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement. The application must include the applicant's: full name and place and date of birth; residential address and current mailing address if different from the residential address; driver's license number or state identification card number; physical description; race and gender; telephone number and email address, at the option of the applicant; and electronic signature.

The WSP Firearms Background Check Program must issue a permit to purchase firearms to an eligible applicant, or deny the application, within 30 days of the date the application was filed, or within 60 days if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive 90 days, unless additional time is necessary to obtain all required information and records needed to determine the applicant's eligibility for the permit. A permit to purchase firearms must be issued unless the applicant:

- is prohibited from purchasing or possessing a firearm under state or federal law;
- is subject to a court order or injunction regarding firearms under laws governing protection orders, no-contact orders, and restraining orders;
- is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;
- has an outstanding warrant for the applicant's arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- has failed to produce a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement.

In determining the applicant's eligibility, the WSP Firearms Background Check Program must check specified federal and state databases. A background check for an original permit must be conducted through the WSP criminal records division and include a national check from the Federal Bureau of Investigation. The applicant may request and receive a copy of the results of the background check and may seek to amend or correct the applicant's record.

If a permit application is denied, the WSP Firearms Background Check Program must send the applicant a written notice stating the specific grounds on which the permit was denied.

A permit to purchase firearms is valid for five years and may be renewed for a subsequent five-year period by applying for renewal within 90 days before or after the expiration date of the permit. The WSP Firearms Background Check Program may charge permit application fees that will cover as nearly as practicable the direct and indirect costs incurred in creating and administering the permit to purchase firearms program. Revenue from the fees must be

deposited in the State Firearms Background Check System Account.

A local law enforcement agency may charge a reasonable fee for taking and transmitting fingerprints of an applicant for a permit to purchase firearms.

A signed application constitutes a waiver of confidentiality and written request that the Health Care Authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a permit to purchase firearms to a court or the WSP Firearms Background Check Program.

The WSP Firearms Background Check Program must revoke a permit to purchase firearms upon the occurrence of any act or condition that would prevent the issuance of a permit to purchase firearms. A written notice of the revocation must be sent to the permit holder stating the specific grounds on which the permit is revoked.

The WSP Firearms Background Check Program must develop procedures to verify on an annual basis that persons who have been issued a permit to purchase firearms remain eligible to possess firearms, and must revoke the permit of a person who is determined to be ineligible. The WSP Firearms Background Check Program must provide notification of the revocation and relevant information to the local law enforcement agency where the person resides so that local law enforcement may take steps to ensure the permit holder is not illegally in possession of firearms.

A person aggrieved by the denial or revocation of a permit to purchase firearms is entitled to seek review of the denial or revocation in superior court.

The WSP Firearms Background Check Program must submit an annual report to the Legislature that includes specified information relating to the permit to purchase firearms program, including:

- number of permit applications submitted, issued, denied, and revoked;
- demographic data on the number of applicants seeking permits which were issued and the number that were denied;
- frequency of denials for each of the statutory disqualifying factors;
- number and disposition of appeals for permit denials; and
- number of cases in which the WSP has provided notice of permit revocations to local law enforcement agencies, number of cases in which law enforcement agencies have taken action to remove firearms, and number of firearms recovered in such cases.

#### Concealed Pistol Licenses.

A CPL may not be issued to an applicant unless the applicant has provided proof of completion of a certified concealed carry firearms safety training program or proof of an exemption from the training requirement.

An applicant for a CPL who presents a valid permit to purchase firearms is exempt from the requirement for a fingerprint-based background check.

An issuing authority must send an applicant a written notice of the denial of a CPL application stating the specific grounds for denial. The denial notice may be sent by email if the applicant provided an email address. A CPL must be revoked if the licensee has become ineligible for a CPL. A person aggrieved by the denial or revocation of a CPL is entitled to seek review of the denial or revocation in superior court.

Issuing authorities must annually submit to the WSP aggregate CPL application data for statewide analysis of the uniformity of the licensing system and potential demographic barriers. The WSP must annually submit a report to the Legislature that includes specified data relating to CPLs for the preceding year, including:

- number of license applications submitted, issued, denied, and revoked;
- demographic data on the number of applicants seeking licenses which were issued and number denied, including race, gender, date of birth, and county of residence;
- frequency with which licenses were denied for each of the statutory disqualifying factors;
- number and disposition of license denial decisions appealed by license applicants; and
- information on any barriers to compiling and analyzing the data.

#### Court Review Procedures.

A new provision is established allowing a person aggrieved by a denial of a firearm transfer, or the denial or revocation of a permit to purchase firearms or CPL, to appeal the denial or revocation to the superior court in the jurisdiction where the person resides. The court must hold a hearing no later than 30 days after the filing of the petition for review. The matter must be heard de novo without a jury and the court must include written findings of fact and conclusions of law in its ruling. A filing fee is not required to obtain a hearing.

#### Firearms Safety Training.

An applicant for a permit to purchase firearms must provide a certificate of completion of a certified firearms safety training program and an applicant for a CPL must provide proof of completion of a certified concealed carry firearms safety training program. In addition to requirements for firearm safety training programs under current law, the certified programs must include 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. Live fire training for the concealed carry firearms safety training program must include firing of a minimum of 50 rounds of ammunition.

The WSP must certify training programs that meet these requirements and prescribe the form of documentation for use as proof of completion of a training program or proof of an exemption. Firearm safety programs must be recertified every five years.

Language providing exemptions from the firearm safety training requirements for law enforcement or military members are revised and apply upon showing proper identification. The exemption for law enforcement officers is revised to remove the requirement that they have arrest powers and carry a firearm as a normal part of their duties. The exemption for military

members is revised to remove the requirement that the person, as part of military service, has completed training in firearms proficiency within the past five years that included training on safe handling and shooting proficiency with firearms. Proper identification for a military member includes the armed forces identification card or other document certifying the person is an active military member.

Other Provisions.

Amendments are made to other provisions of law to incorporate permits to purchase firearms, including:

- providing immunity from liability to governmental entities acting in good faith for issuing, failing to issue, or revoking a permit to purchase firearms, and authorizing a writ of mandamus proceeding directing that erroneous information resulting in wrongful refusal to issue a permit to purchase firearms be corrected;
- providing that when a person becomes ineligible to possess firearms as a result of a criminal conviction, involuntary commitment, or other specified reason, the convicting or committing court must provide notice of the disqualification to the WSP Firearms Background Check Program, which must revoke or suspend the person's permit to purchase firearms; and
- requiring the revocation or suspension of a permit to purchase firearms based on certain criminal convictions that require revocation or suspension of a concealed pistol license.

Technical corrections are made to a statute governing the WSP Firearms Background Check Program to correct cross references and remove language that is no longer necessary.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2025.

**Effective Date:** The bill takes effect on November 1, 2026.