

HOUSE BILL REPORT

HB 1163

As Reported by House Committee On:

Civil Rights & Judiciary
Appropriations

Title: An act relating to enhancing requirements relating to the purchase, transfer, and possession of firearms by requiring a permit to purchase firearms, specifying requirements and standards for firearms safety training programs and issuance of concealed pistol licenses, specifying circumstances where a firearm transfer may be delayed, requiring recordkeeping for all firearm transfers, and establishing reporting requirements regarding permits to purchase firearms and concealed pistol licenses.

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 History:

Committee Activity:

Civil Rights & Judiciary: 1/21/25, 1/31/25 [DPS];
Appropriations: 2/24/25, 2/27/25 [DP2S(w/o sub CRJ)].

Brief Summary of Second Substitute 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

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.

Washington State Patrol to certify training programs.

- Establishes procedures for court review of denials of firearms 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 firearms transfers.
- Requires that any amounts appropriated for the purposes of initial establishment of the permit to purchase program must be reimbursed from the State Firearms Background Check System Account by June 30, 2028.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Taylor, Chair; Farivar, Vice Chair; Entenman, Goodman, Peterson, Salahuddin, Thai and Walen.

Minority Report: Do not pass. Signed by 5 members: Representatives Walsh, Ranking Minority Member; Abell, Assistant Ranking Minority Member; Burnett, Graham and Jacobsen.

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 Substitute 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 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 within the last five years, 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.

Substitute Bill Compared to Original Bill:

The substitute bill specifies that the required firearms safety training program for issuance of a CPL must have been completed within the past five years, clarifies that the court review process applies to appeals of revocations of CPLs or permits to purchase firearms, and removes instances of gendered language.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 3, 2025.

Effective Date of Substitute Bill: The bill takes effect on November 1, 2026.

Staff Summary of Public Testimony:

(In support) This is an important measure to help protect children from gun violence. Firearms are the leading cause of death for our youth. Last year there were over 1,400 children killed by firearms in the country, and over 3,700 injured in the state. More than 100 young people are lost to firearm deaths yearly in Washington. Students should be focused on learning at school. They should not have to worry about their safety or possibly witnessing other students killed in a school shooting.

Constitutional rights matter, but there are still requirements for members of the press to

have passes, and restrictions on time, place, and manner of speech. With rights come responsibilities, and asking gun owners to have a permit to purchase is a sensible restriction. Individuals need a license for many activities, including operating a motor vehicle, practicing as a healthcare provider, and teaching children. That list must include purchasing a gun and learning to use it safely.

There is a growing trend of irresponsible gun ownership, including words and actions that demonstrate a reluctance to accept that with every right there are responsibilities. A permit acknowledges a responsibility, just like a permit to carry a concealed weapon or a license to hunt, and it creates transparency and accountability. Permits can do more than almost any other gun safety policy to ensure that only responsible individuals can access firearms.

Social norms around gun rights and responsibilities are out of balance. This bill restores that balance by adding a new level of responsibility. This bill protects the public by ensuring that background checks occur before a firearm purchase rather than at the point of sale so that guns do not fall into dangerous hands. In-person application and fingerprinting means greater transparency and an increase in accountability.

People who commit suicide often do so with a firearm. This bill can save lives, especially in marginalized communities disproportionately affected by gun violence and suicide. Evidence shows that permitting and licensing laws reduce firearm suicides and homicides. After Connecticut passed a similar law, gun homicides dropped 28 percent and gun suicides fell by 33 percent; when Missouri repealed its licensing law, gun homicides rose by 47 percent and suicides increased by 24 percent.

(Opposed) There is confusion about the difference between rights and privileges. Driving is a privilege, as is fishing. Having a gun is a right. The Second Amendment clearly states that this right shall not be infringed, and the Washington Constitution even more clearly states this right shall not be impaired. Many people would adamantly reject the idea of having to get a permit to exercise a right to speak, write, attend religious services, or peacefully assemble, yet this bill would require a permit to exercise a constitutional right.

Instead of jousting at gun violence windmills, the Legislature should be cracking down on violent, gang-related criminal activity, which is the real problem behind violence in the state. Criminals aren't going to get a permit or attend a training class. This bill burdens law-abiding citizens and responsible business owners by adding yet another layer of restrictions, compliance costs, and logistical challenges.

Live-fire training should be reserved for inexperienced shooters so that this resource is available for those who actually need it. Some people who want to take a class have to wait a year. Mandated training under the bill will make it harder to get into a training class. Firearm training already includes teaching responsibility and public safety. Personal responsibility and how to be safe needs to be taught to school children. Diversity and inclusion are not going to overcome a dangerous situation.

The costs of this bill are an unfair burden on a society that is struggling to make ends meet. It is not realistic to think that the understaffed and underfunded agencies are going to implement these policies without creating larger enforcement gaps.

This bill threatens critical work of conserving wetlands and engaging youth and new hunters with conservation efforts. New hunters must go through a hunter safety program covering safe handling and in-person field skills. The bill imposes redundant training for hunters and creates significant barriers to lawful transfers, including firearms used in hunting and conservation fundraising events.

Persons Testifying: (In support) Julia Berus; Isaiah Lenard; Margaret Heldring, Grandmothers Against Gun Violence; Alex McCourt, Johns Hopkins Bloomberg School of Public Health; Jean Hill, Washington State Catholic Conference (WSCC); Gwen Loosmore, Washington PTA; and Neal Black, Kirkland City Council Member.

(Opposed) Katleen Gregoroff; Dave Workman, Citizens Committee for the Right to Keep and Bear Arms; Allen Ernst; Kirk Struble, Ducks Unlimited; Danna Baxter, Safefire; and Marty Lough, Hunter Education Instructor - Tacoma Rifle and Pistol Association.

Persons Signed In To Testify But Not Testifying: More than 20 persons signed in. Please contact the House Public Records Office at <https://leg.wa.gov/public-records-requests/> or call (360) 786-0926.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by 19 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Bergquist, Callan, Cortes, Doglio, Fitzgibbon, Leavitt, Lekanoff, Peterson, Pollet, Ryu, Springer, Stonier, Street, Thai and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Burnett, Caldier, Corry, Dye, Keaton, Manjarrez, Marshall and Rude.

Staff: Sydney Jeffrey (786-7303).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Civil Rights & Judiciary:

The Appropriations Committee recommended adding a null and void clause, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill contains multiple effective dates. Please see the bill. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This bill will make Washington communities safer. School shootings and gun violence in schools are a constant concern for today's youth. Children should not be concerned whether they will make it home safely from school each day. Students practice school shooting drills and witness mass casualty events involving their peers at other schools across the country on a regular basis. This is not normal, and should not be acceptable. This bill is common sense legislation and makes a step towards ensuring that only responsible individuals have access to firearms in Washington. This bill does not infringe on anyone's rights but rather ensures that owners of guns do so responsibly, preventing tragedies before they happen.

Permitting has been shown to prevent the diversion of guns into the criminal market. Other states, including Connecticut, have implemented their own versions of a permit to purchase program, which have resulted in decreases in homicides, suicides by firearms, and mass shootings. On the other hand, Missouri, which repealed their licensing law, saw a significant increase in homicide and suicide rates.

Every year gun violence costs the state almost \$12 billion and just over \$171 million of that is funded directly by state taxpayers. The state cannot morally or economically afford to wait, and by charging licensing fees to offset the administrative burdens of the program, this bill provides a budget neutral way to operate a permit to purchase system that will save lives.

(Opposed) There is strong opposition to this bill. There are no provisions in the state constitution that requires there be mandated education to own a firearm. The state should be stricter when it comes to laws pertaining to gun safety education for all ages and enforcing existing laws against violent criminals, as opposed to requiring a permit. Individuals do not require a permit to speak freely, so they should not have to pay to exercise their second amendment rights.

Oregon passed a similar permit to purchase law in 2022 and it has since been held up as unconstitutional. Through lawsuits with the National Rifle Association, it was revealed in discovery that the Federal Bureau of Investigation will not participate in the permit to purchase process due to the need to manually process fingerprints. Additionally, it takes approximately 45 days to process fingerprints manually and the Oregon State Police says it takes 20 or more staff to speed up that process but lacks the budget to hire or for live

fingerprint scanning. Similarly, Washington is in a \$12 billion deficit and this bill will cost an additional \$20 million plus additional woefully underestimated actual costs. This bill is not about gun control, reducing gun violence or mass shooting incidence, or reducing firearm suicides. There will be no impact on crime, and it will only further restrict the rights of law-abiding citizens.

This bill will make it harder for current and future firearms owners to exercise their second amendment right. This bill is essentially a poll tax preventing people from accessing firearms and makes it harder for individuals to get the training that is going to be required to obtain a permit. Right now, there are not enough shooting ranges in Washington to facilitate the influx of permits and the training that would be required in order to obtain the permit. This will put a permanent hold on the firearms purchase process as people are undergoing the exact same background check that is currently executed by the Washington State Patrol (WSP). Since the implementation of background checks by WSP in January 2024, there has been a litany of problems that the agency continues to deal with still today. The agency is understaffed, and this bill will just cause more problems for their already overloaded team.

Persons Testifying: (In support) Moritz Maszhold; Robert Schentrup, Brady United; Jane Weiss; and Cassandra Crifasi, Johns Hopkins Center for Gun Policy and Research.

(Opposed) Aoibheann Cline, NRA; Troy Nichols, National Shooting Sports Foundation; Jeremy Bennett; Asadullha Ranavaya; and Jeremy Ball.

Persons Signed In To Testify But Not Testifying: None.