

SENATE BILL REPORT

SB 5634

As Reported by Senate Committee On:
Human Services & Corrections, February 17, 2011

Title: An act relating to clarifying the entities to be consulted when determining eligibility to possess a firearm.

Brief Description: Concerning firearm background check databases.

Sponsors: Senators Hargrove and Stevens; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 2/17/11 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Baxter, Carrell, Harper and McAuliffe.

Staff: Kevin Black (786-7747)

Background: A person who is found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or a person who is committed for involuntary mental health treatment for a period of 14 days or longer, is prohibited from possessing a firearm under state law unless the right to possess a firearm has been restored by a court. Since 2009 the courts have been required to transmit mental health commitment information directly to the National Instant Criminal Background Check System, which is maintained by the federal government. When a person applies for a concealed pistol license, alien firearm license, or purchases a pistol from a dealer, state law requires a check of the National Instant Criminal Background Check System, and databases maintained by the Washington State Patrol (WSP) and Department of Social and Health Services (DSHS). State law permissively authorizes checks with other appropriate agencies or resources.

Summary of Bill (Recommended Substitute): WSP need not be consulted when a person applies for a concealed pistol license, alien firearm license, or purchases a pistol from a dealer. Until June 30, 2012, a law enforcement agency may, but need not, make an additional

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check with DSHS. By December 31, 2011, a regional support network must transfer information it retains regarding persons who became ineligible to possess a firearm as a result of a civil commitment before July 26, 2009, to the National Instant Criminal Background Check database.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Until June 30, 2012, a law enforcement agency may, but need not, make an additional check with DSHS. By December 31, 2011, a regional support network must transfer information it retains regarding persons who became ineligible to possess a firearm as a result of a civil commitment before July 26, 2009, to the National Instant Criminal Background Check database.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: DSHS has sent all of its historical data on disqualifying civil commitments to the national database, which is the most complete source of information about whether a person is legally disqualified from possessing a firearm. Relying on out-of-date DSHS data may create serious public safety concerns. DSHS conducted over 12,000 checks in 2010. We suggest that the bill be amended to permit regional support networks to submit their data about disqualifying commitments prior to 2009 to the federal database. The King County Regional Support Network performs 45,000 checks per year.

OTHER: This legislation is important because it requires law enforcement officials to check the federal database. Agencies could miss information by not using this database. It will reduce workload for law enforcement agencies while providing them with better information. Law enforcement takes the firearm regulations seriously. Law enforcement should still have the ability to check with DSHS or other sources. We fear that the federal database may not be 100 percent.

CON: The gun laws we have now do a good job. It should be up to family members to notify law enforcement if a person should not possess a firearm due to mental problems.

Persons Testifying: PRO: David Dickinson, DSHS; Jo-Ellen Watson, King County Regional Support Network.

OTHER: Heather Anderson, Washington State Patrol Criminal Records Division; Jo Arlow, Washington Association of Sheriffs and Police Chiefs.

CON: Tom Brand, citizen.