

FINAL BILL REPORT

SSB 5553

C 145 L 18
Synopsis as Enacted

Brief Description: Preventing suicide by permitting the voluntary waiver of firearm rights.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Fain, Frockt, Takko, Hobbs, Zeiger, Kuderer and Darneille).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Second Amendment to the United States Constitution and Article 1 Section 24 of the Washington State Constitution provide for the right to bear arms. Under either provision, there is an individual right to bear arms.

A waiver is an intentional relinquishment or abandonment of a known right or privilege. The validity of a waiver depends on the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the rights-holder. Waivers of constitutional rights must be voluntary and must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.

Summary: Any person may file a voluntary waiver of firearm rights with the clerk of the court in any Washington State county. The clerk of the court must verify the person's identity using photo identification. The Washington State Patrol (WSP) must enter the voluntary waiver of firearm rights into the National Instant Criminal Background System (NCIS), and all other databases used to identify persons prohibited from buying firearms, within 24 hours.

The person may revoke their voluntary waiver of firearm rights in the same county where they filed a voluntary waiver after a minimum of seven days. The WSP must remove the voluntary waiver from the NCIS and other electronic databases within seven days of the receipt of a notice that the voluntary waiver is revoked, unless the person is otherwise ineligible to possess a firearm.

A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form commits the crime of false swearing. False swearing is a gross misdemeanor and carries a penalty of up to 365 days in jail or a \$5,000 fine, or both.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Administrative Office of the Courts (AOC) must develop forms for voluntary waiver of firearm rights by January 1, 2018. The voluntary waiver form must include the following language: "Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing."

The forms must be made available on the AOC website, at all county clerk offices, and must also be made widely available from firearm and ammunition dealers and health care providers.

A person who transfers a firearm to a person who has a valid waiver of firearm rights in place commits an unranked Class C felony which carries a penalty of up to 360 days in jail or a \$10,000 fine, or both.

No court may consider a voluntary firearm rights waiver or its revocation in any legal proceeding. A voluntary waiver of firearm rights may not be required as a condition of employment, services, or benefits.

A voluntary waiver and related records may only be disclosed to law enforcement agencies. The records of a waiver must be destroyed after an individual's firearm rights are restored.

Votes on Final Passage:

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| Senate | 49 | 0 | |
| House | 77 | 20 | (House amended) |
| Senate | 36 | 13 | (Senate concurred) |

Effective: June 7, 2018
January 1, 2019 (Sections 1, 3, and 4)