
HOUSE BILL 1592

State of Washington

65th Legislature

2017 Regular Session

By Representatives Klippert and Hayes

Read first time 01/24/17. Referred to Committee on Judiciary.

1 AN ACT Relating to dealer deliveries to active duty law
2 enforcement officers; amending RCW 9.41.090; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9.41.090 and 2015 c 1 s 5 (Initiative Measure No.
6 594) are each amended to read as follows:

7 (1) In addition to the other requirements of this chapter, no
8 dealer may deliver a pistol to the purchaser thereof until:

9 (a) The purchaser produces (i) a valid concealed pistol license
10 or (ii) a valid commission card issued by a Washington state law
11 enforcement agency that shows the purchaser is a full-time,
12 commissioned law enforcement officer of the agency, and the dealer
13 has recorded the purchaser's name, the concealed pistol license
14 number, or the driver's license number of the commissioned law
15 enforcement officer, and ((issuing)) the agency that issued the
16 concealed pistol license or the commission card, such record to be
17 made in triplicate and processed as provided in subsection (5) of
18 this section. For purposes of this subsection (1)(a), a "valid
19 concealed pistol license" does not include a temporary emergency
20 license, and does not include any license issued before July 1, 1996,

1 unless the issuing agency conducted a records search for
2 disqualifying crimes under RCW 9.41.070 at the time of issuance;

3 (b) The dealer is notified in writing by the chief of police or
4 the sheriff of the jurisdiction in which the purchaser resides that
5 the purchaser is eligible to possess a pistol under RCW 9.41.040 and
6 that the application to purchase is approved by the chief of police
7 or sheriff; or

8 (c) The requirements or time periods in RCW 9.41.092 have been
9 satisfied.

10 (2)(a) Except as provided in (b) of this subsection, in
11 determining whether the purchaser who does not possess a valid
12 concealed pistol license or a valid commission card issued by a
13 Washington state law enforcement agency meets the requirements of RCW
14 9.41.040, the chief of police or sheriff, or the designee of either,
15 shall check with the national crime information center, the
16 Washington state patrol electronic database, the department of social
17 and health services electronic database, and with other agencies or
18 resources as appropriate, to determine whether the applicant is
19 ineligible under RCW 9.41.040 to possess a firearm.

20 (b) Once the system is established, a dealer shall use the state
21 system and national instant criminal background check system,
22 provided for by the Brady Handgun Violence Prevention Act (18 U.S.C.
23 Sec. 921 et seq.), to make criminal background checks of applicants
24 to purchase firearms. However, a chief of police or sheriff, or a
25 designee of either, shall continue to check the department of social
26 and health services' electronic database and with other agencies or
27 resources as appropriate, to determine whether applicants are
28 ineligible under RCW 9.41.040 to possess a firearm.

29 (3) 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 until the warrant for arrest is served and
33 satisfied by appropriate court appearance. The local jurisdiction for
34 purposes of the sale shall confirm the existence of outstanding
35 warrants within seventy-two hours after notification of the
36 application to purchase a pistol is received. The local jurisdiction
37 shall also immediately confirm the satisfaction of the warrant on
38 request of the dealer so that the hold may be released if the warrant
39 was for an offense other than an offense making a person ineligible
40 under RCW 9.41.040 to possess a pistol.

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

18 (5) At the time of applying for the purchase of a pistol, the
19 purchaser shall sign in triplicate and deliver to the dealer an
20 application containing his or her full name, residential address,
21 date and place of birth, race, and gender; the date and hour of the
22 application; the applicant's driver's license number or state
23 identification card number; a description of the pistol including the
24 make, model, caliber and manufacturer's number if available at the
25 time of applying for the purchase of a pistol. If the manufacturer's
26 number is not available, the application may be processed, but
27 delivery of the pistol to the purchaser may not occur unless the
28 manufacturer's number is recorded on the application by the dealer
29 and transmitted to the chief of police of the municipality or the
30 sheriff of the county in which the purchaser resides; and a statement
31 that the purchaser is eligible to possess a pistol under RCW
32 9.41.040.

33 The application shall contain a warning substantially as follows:

34 CAUTION: Although state and local laws do not differ, federal law and
35 state law on the possession of firearms differ. If you are prohibited
36 by federal law from possessing a firearm, you may be prosecuted in
37 federal court. State permission to purchase a firearm is not a
38 defense to a federal prosecution.

1 The purchaser shall be given a copy of the department of fish and
2 wildlife pamphlet on the legal limits of the use of firearms,
3 firearms safety, and the fact that local laws and ordinances on
4 firearms are preempted by state law and must be consistent with state
5 law.

6 The dealer shall, by the end of the business day, sign and attach
7 his or her address and deliver a copy of the application and such
8 other documentation as required under subsection (1) of this section
9 to the chief of police of the municipality or the sheriff of the
10 county of which the purchaser is a resident. The triplicate shall be
11 retained by the dealer for six years. The dealer shall deliver the
12 pistol to the purchaser following the period of time specified in
13 this chapter unless the dealer is notified of an investigative hold
14 under subsection (4) of this section in writing by the chief of
15 police of the municipality or the sheriff of the county, whichever is
16 applicable, denying the purchaser's application to purchase and the
17 grounds thereof. The application shall not be denied unless the
18 purchaser is not eligible to possess a pistol under RCW 9.41.040 or
19 9.41.045, or federal law.

20 The chief of police of the municipality or the sheriff of the
21 county shall retain or destroy applications to purchase a pistol in
22 accordance with the requirements of 18 U.S.C. Sec. 922.

23 (6) A person who knowingly makes a false statement regarding
24 identity or eligibility requirements on the application to purchase a
25 pistol is guilty of false swearing under RCW 9A.72.040.

26 (7) This section does not apply to sales to licensed dealers for
27 resale or to the sale of antique firearms.

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