
SENATE BILL 5553

State of Washington

65th Legislature

2017 Regular Session

By Senators Pedersen, Fain, Frockt, Takko, Hobbs, Zeiger, Kuderer, and Darneille

Read first time 01/27/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to preventing suicide by permitting the voluntary
2 waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding
3 new sections to chapter 9.41 RCW; prescribing penalties; and
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
7 to read as follows:

8 (1) A person may file a voluntary waiver of firearm rights with
9 the clerk of the court in any county in Washington state. The clerk
10 of the court must request photo identification to verify the person's
11 identity prior to accepting the form. The person filing the form may
12 provide an alternate person to be contacted if a voluntary waiver of
13 firearm rights is revoked. By the end of the business day, the clerk
14 of the court must transmit the accepted form for entry into the
15 Washington state patrol electronic database. The Washington state
16 patrol must enter the voluntary waiver of firearm rights into the
17 Washington state patrol electronic database within twenty-four hours
18 of receipt.

19 (2) No sooner than seven calendar days after filing a voluntary
20 waiver of firearm rights, the person may file a revocation of the
21 voluntary waiver of firearm rights in the same county where the

1 voluntary waiver of firearm rights was filed. The clerk of the court
2 must request photo identification to verify the person's identity
3 prior to accepting the form. By the end of the business day, the
4 clerk of the court must transmit the form requesting that the
5 Washington state patrol remove the person's voluntary waiver of
6 firearm rights from the Washington state patrol electronic database
7 to the Washington state patrol and to any contact person listed on
8 the voluntary waiver of firearm rights. After receiving a revocation
9 of a voluntary waiver of firearm rights, the Washington state patrol
10 must remove the person from the Washington state patrol electronic
11 database within seven days of receipt unless the person is otherwise
12 ineligible to possess a firearm under RCW 9.41.040.

13 (3) A person who knowingly makes a false statement regarding
14 their identity on the voluntary waiver of firearm rights form or
15 revocation of waiver of firearm rights form is guilty of false
16 swearing under RCW 9A.72.040.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
18 to read as follows:

19 (1) The administrator for the courts, under the direction of the
20 chief justice, shall develop a voluntary waiver of firearm rights
21 form and a revocation of voluntary waiver of firearm rights form by
22 January 1, 2018.

23 (2) The forms must include all of the information necessary for
24 identification and entry of the person into the Washington state
25 patrol electronic database and the voluntary waiver of firearm rights
26 form must include the following language:

27 Because you have filed this voluntary waiver of firearm rights,
28 effective immediately you may not purchase or receive any firearm.
29 You may revoke this voluntary waiver of firearm rights any time after
30 at least seven calendar days have elapsed since the time of filing.

31 (3) The forms must be made available on the administrator for the
32 courts web site, at all county clerk offices, and must also be made
33 widely available at firearm and ammunition dealers and health care
34 provider locations.

35 **Sec. 3.** RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended
36 to read as follows:

37 No person may deliver a firearm to any person whom he or she has
38 reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to

1 possess a firearm or (2) has signed a valid voluntary waiver of
2 firearm rights that has not been revoked under section 1 of this act.
3 Any person violating this section is guilty of a class C felony,
4 punishable under chapter 9A.20 RCW.

5 **Sec. 4.** RCW 9.41.092 and 2015 c 1 s 4 are each amended to read
6 as follows:

7 Except as otherwise provided in this chapter, a licensed dealer
8 may not deliver any firearm to a purchaser or transferee until the
9 earlier of:

10 (1) The results of all required background checks are known and
11 the purchaser or transferee (a) is not prohibited from owning or
12 possessing a firearm under federal or state law and (b) does not have
13 a voluntary waiver of firearm rights currently in effect; or

14 (2) Ten business days have elapsed from the date the licensed
15 dealer requested the background check. However, for sales and
16 transfers of pistols if the purchaser or transferee does not have a
17 valid permanent Washington driver's license or state identification
18 card or has not been a resident of the state for the previous
19 consecutive ninety days, then the time period in this subsection
20 shall be extended from ten business days to sixty days.

21 NEW SECTION. **Sec. 5.** Sections 1 and 4 of this act take effect
22 January 1, 2018.

--- END ---