
HOUSE BILL 2202

State of Washington

66th Legislature

2020 Regular Session

By Representatives Klippert, Gildon, Griffey, and Dent

Prefiled 12/04/19. Read first time 01/13/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to firearm safety training requirements for the
2 sale or transfer of a semiautomatic assault rifle; amending RCW
3 9.41.090 and 9.41.090; and amending 2019 c 244 s 2 (uncodified).

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

5 **Sec. 1.** RCW 9.41.090 and 2019 c 244 s 1 are each amended to read
6 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 dealer is notified in writing by (i) the chief of police
10 or the sheriff of the jurisdiction in which the purchaser resides
11 that the purchaser is eligible to possess a pistol under RCW 9.41.040
12 and that the application to purchase is approved by the chief of
13 police or sheriff; or (ii) the state that the purchaser is eligible
14 to possess a firearm under RCW 9.41.040, as provided in subsection
15 (3)(b) of this section; or

16 (b) The requirements or time periods in RCW 9.41.092 have been
17 satisfied.

18 (2) In addition to the other requirements of this chapter, no
19 dealer may deliver a semiautomatic assault rifle to the purchaser
20 thereof until:

1 (a) Except as provided in subsection (10) of this section, the
2 purchaser provides proof that he or she has completed a recognized
3 firearm safety training program within the last five years that, at a
4 minimum, includes instruction on:

5 (i) Basic firearms safety rules;

6 (ii) Firearms and children, including secure gun storage and
7 talking to children about gun safety;

8 (iii) Firearms and suicide prevention;

9 (iv) Secure gun storage to prevent unauthorized access and use;

10 (v) Safe handling of firearms; and

11 (vi) State and federal firearms laws, including prohibited
12 firearms transfers.

13 The training must be sponsored by a federal, state, county, or
14 municipal law enforcement agency, a college or university, a
15 nationally recognized organization that customarily offers firearms
16 training, or a firearms training school with instructors certified by
17 a nationally recognized organization that customarily offers firearms
18 training. The proof of training shall be in the form of a
19 certification that states under the penalty of perjury the training
20 included the minimum requirements; and

21 (b) The dealer is notified in writing by (i) the chief of police
22 or the sheriff of the jurisdiction in which the purchaser resides
23 that the purchaser is eligible to possess a firearm under
24 RCW 9.41.040 and that the application to purchase is approved by the
25 chief of police or sheriff; or (ii) the state that the purchaser is
26 eligible to possess a firearm under RCW 9.41.040, as provided in
27 subsection (3)(b) of this section; or

28 (c) The requirements or time periods in RCW 9.41.092 have been
29 satisfied.

30 (3)(a) Except as provided in (b) of this subsection, in
31 determining whether the purchaser meets the requirements of RCW
32 9.41.040, the chief of police or sheriff, or the designee of either,
33 shall check with the national instant criminal background check
34 system, provided for by the Brady handgun violence prevention act (18
35 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic
36 database, the health care authority electronic database, and with
37 other agencies or resources as appropriate, to determine whether the
38 applicant is ineligible under RCW 9.41.040 to possess a firearm.

39 (b) The state, through the legislature or initiative process, may
40 enact a statewide firearms background check system equivalent to, or

1 more comprehensive than, the check required by (a) of this subsection
2 to determine that a purchaser is eligible to possess a firearm under
3 RCW 9.41.040. Once a state system is established, a dealer shall use
4 the state system and national instant criminal background check
5 system, provided for by the Brady handgun violence prevention act (18
6 U.S.C. Sec. 921 et seq.), to make criminal background checks of
7 applicants to purchase firearms.

8 (4) In any case under this section where the applicant has an
9 outstanding warrant for his or her arrest from any court of competent
10 jurisdiction for a felony or misdemeanor, the dealer shall hold the
11 delivery of the pistol or semiautomatic assault rifle until the
12 warrant for arrest is served and satisfied by appropriate court
13 appearance. The local jurisdiction for purposes of the sale, or the
14 state pursuant to subsection (3)(b) of this section, shall confirm
15 the existence of outstanding warrants within seventy-two hours after
16 notification of the application to purchase a pistol or semiautomatic
17 assault rifle is received. The local jurisdiction shall also
18 immediately confirm the satisfaction of the warrant on request of the
19 dealer so that the hold may be released if the warrant was for an
20 offense other than an offense making a person ineligible under RCW
21 9.41.040 to possess a firearm.

22 (5) In any case where the chief or sheriff of the local
23 jurisdiction, or the state pursuant to subsection (3)(b) of this
24 section, has reasonable grounds based on the following circumstances:

25 (a) Open criminal charges, (b) pending criminal proceedings, (c)
26 pending commitment proceedings, (d) an outstanding warrant for an
27 offense making a person ineligible under RCW 9.41.040 to possess a
28 firearm, or (e) an arrest for an offense making a person ineligible
29 under RCW 9.41.040 to possess a firearm, if the records of
30 disposition have not yet been reported or entered sufficiently to
31 determine eligibility to purchase a firearm, the local jurisdiction
32 or the state may hold the sale and delivery of the pistol or
33 semiautomatic assault rifle up to thirty days in order to confirm
34 existing records in this state or elsewhere. After thirty days, the
35 hold will be lifted unless an extension of the thirty days is
36 approved by a local district court, superior court, or municipal
37 court for good cause shown. A dealer shall be notified of each hold
38 placed on the sale by local law enforcement or the state and of any
39 application to the court for additional hold period to confirm
40 records or confirm the identity of the applicant.

1 (6) (a) At the time of applying for the purchase of a pistol or
2 semiautomatic assault rifle, the purchaser shall sign in triplicate
3 and deliver to the dealer an application containing:

4 (i) His or her full name, residential address, date and place of
5 birth, race, and gender;

6 (ii) The date and hour of the application;

7 (iii) The applicant's driver's license number or state
8 identification card number;

9 (iv) A description of the pistol or semiautomatic assault rifle
10 including the make, model, caliber and manufacturer's number if
11 available at the time of applying for the purchase of a pistol or
12 semiautomatic assault rifle. If the manufacturer's number is not
13 available at the time of applying for the purchase of a pistol or
14 semiautomatic assault rifle, the application may be processed, but
15 delivery of the pistol or semiautomatic assault rifle to the
16 purchaser may not occur unless the manufacturer's number is recorded
17 on the application by the dealer and transmitted to the chief of
18 police of the municipality or the sheriff of the county in which the
19 purchaser resides, or the state pursuant to subsection (3) (b) of this
20 section;

21 (v) A statement that the purchaser is eligible to purchase and
22 possess a firearm under state and federal law; and

23 (vi) If purchasing a semiautomatic assault rifle, a statement by
24 the applicant under penalty of perjury that the applicant has
25 completed a recognized firearm safety training program within the
26 last five years, as required by subsection (2) of this section.

27 (b) The application shall contain two warnings substantially
28 stated as follows:

29 (i) CAUTION: Although state and local laws do not differ, federal
30 law and state law on the possession of firearms differ. If you are
31 prohibited by federal law from possessing a firearm, you may be
32 prosecuted in federal court. State permission to purchase a firearm
33 is not a defense to a federal prosecution; and

34 (ii) CAUTION: The presence of a firearm in the home has been
35 associated with an increased risk of death to self and others,
36 including an increased risk of suicide, death during domestic
37 violence incidents, and unintentional deaths to children and others.

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 and
3 firearms safety.

4 (c) The dealer shall, by the end of the business day, sign and
5 attach his or her address and deliver a copy of the application and
6 such other documentation as required under subsections (1) and (2) of
7 this section to the chief of police of the municipality or the
8 sheriff of the county of which the purchaser is a resident, or the
9 state pursuant to subsection (3)(b) of this section. The triplicate
10 shall be retained by the dealer for six years. The dealer shall
11 deliver the pistol or semiautomatic assault rifle to the purchaser
12 following the period of time specified in this chapter unless the
13 dealer is notified of an investigative hold under subsection (5) of
14 this section in writing by the chief of police of the municipality,
15 the sheriff of the county, or the state, whichever is applicable, or
16 of the denial of 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 purchase or possess the firearm under
19 state or federal law.

20 (d) The chief of police of the municipality or the sheriff of the
21 county, or the state pursuant to subsection (3)(b) of this section,
22 shall retain or destroy applications to purchase a pistol or
23 semiautomatic assault rifle in accordance with the requirements of 18
24 U.S.C. Sec. 922.

25 (7)(a) To help offset the administrative costs of implementing
26 this section as it relates to new requirements for semiautomatic
27 assault rifles, the department of licensing may require the dealer to
28 charge each semiautomatic assault rifle purchaser or transferee a fee
29 not to exceed twenty-five dollars, except that the fee may be
30 adjusted at the beginning of each biennium to levels not to exceed
31 the percentage increase in the consumer price index for all urban
32 consumers, CPI-W, or a successor index, for the previous biennium as
33 calculated by the United States department of labor.

34 (b) The fee under (a) of this subsection shall be no more than is
35 necessary to fund the following:

36 (i) The state for the cost of meeting its obligations under this
37 section;

1 (ii) The health care authority, mental health institutions, and
2 other health care facilities for state-mandated costs resulting from
3 the reporting requirements imposed by RCW 9.41.097(1); and

4 (iii) Local law enforcement agencies for state-mandated local
5 costs resulting from the requirements set forth under (~~RCW 9.41.090~~
6 ~~and~~) this section.

7 (8) A person who knowingly makes a false statement regarding
8 identity or eligibility requirements on the application to purchase a
9 firearm is guilty of false swearing under RCW 9A.72.040.

10 (9) This section does not apply to sales to licensed dealers for
11 resale or to the sale of antique firearms.

12 (10) The firearm safety training requirement in subsection (2)(a)
13 of this section does not apply to the sale or transfer of a
14 semiautomatic assault rifle to a person who is a law enforcement
15 officer.

16 **Sec. 2.** RCW 9.41.090 and 2019 c 3 s 3 (Initiative Measure No.
17 1639) are each amended to read as follows:

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

20 (a) The purchaser produces a valid concealed pistol license and
21 the dealer has recorded the purchaser's name, license number, and
22 issuing agency, such record to be made in triplicate and processed as
23 provided in subsection (6) of this section. For purposes of this
24 subsection (1)(a), a "valid concealed pistol license" does not
25 include a temporary emergency license, and does not include any
26 license issued before July 1, 1996, unless the issuing agency
27 conducted a records search for disqualifying crimes under RCW
28 9.41.070 at the time of issuance;

29 (b) The dealer is notified in writing by (i) the chief of police
30 or the sheriff of the jurisdiction in which the purchaser resides
31 that the purchaser is eligible to possess a pistol under RCW 9.41.040
32 and that the application to purchase is approved by the chief of
33 police or sheriff; or (ii) the state that the purchaser is eligible
34 to possess a firearm under RCW 9.41.040, as provided in subsection
35 (3)(b) of this section; or

36 (c) The requirements or time periods in RCW 9.41.092 have been
37 satisfied.

1 (2) In addition to the other requirements of this chapter, no
2 dealer may deliver a semiautomatic assault rifle to the purchaser
3 thereof until:

4 (a) Except as provided in subsection (10) of this section, the
5 purchaser provides proof that he or she has completed a recognized
6 firearm safety training program within the last five years that, at a
7 minimum, includes instruction on:

8 (i) Basic firearms safety rules;

9 (ii) Firearms and children, including secure gun storage and
10 talking to children about gun safety;

11 (iii) Firearms and suicide prevention;

12 (iv) Secure gun storage to prevent unauthorized access and use;

13 (v) Safe handling of firearms; and

14 (vi) State and federal firearms laws, including prohibited
15 firearms transfers.

16 The training must be sponsored by a federal, state, county, or
17 municipal law enforcement agency, a college or university, a
18 nationally recognized organization that customarily offers firearms
19 training, or a firearms training school with instructors certified by
20 a nationally recognized organization that customarily offers firearms
21 training. The proof of training shall be in the form of a
22 certification that states under the penalty of perjury the training
23 included the minimum requirements; and

24 (b) The dealer is notified in writing by (i) the chief of police
25 or the sheriff of the jurisdiction in which the purchaser resides
26 that the purchaser is eligible to possess a firearm under
27 RCW 9.41.040 and that the application to purchase is approved by the
28 chief of police or sheriff; or (ii) the state that the purchaser is
29 eligible to possess a firearm under RCW 9.41.040, as provided in
30 subsection (3)(b) of this section; or

31 (c) The requirements or time periods in RCW 9.41.092 have been
32 satisfied.

33 (3)(a) Except as provided in (b) of this subsection, in
34 determining whether the purchaser meets the requirements of RCW
35 9.41.040, the chief of police or sheriff, or the designee of either,
36 shall check with the national crime information center, including the
37 national instant criminal background check system, provided for by
38 the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et
39 seq.), the Washington state patrol electronic database, the health
40 care authority electronic database, and with other agencies or

1 resources as appropriate, to determine whether the applicant is
2 ineligible under RCW 9.41.040 to possess a firearm.

3 (b) The state, through the legislature or initiative process, may
4 enact a statewide firearms background check system equivalent to, or
5 more comprehensive than, the check required by (a) of this subsection
6 to determine that a purchaser is eligible to possess a firearm under
7 RCW 9.41.040. Once a state system is established, a dealer shall use
8 the state system and national instant criminal background check
9 system, provided for by the Brady handgun violence prevention act (18
10 U.S.C. Sec. 921 et seq.), to make criminal background checks of
11 applicants to purchase firearms.

12 (4) In any case under this section where the applicant has an
13 outstanding warrant for his or her arrest from any court of competent
14 jurisdiction for a felony or misdemeanor, the dealer shall hold the
15 delivery of the pistol or semiautomatic assault rifle until the
16 warrant for arrest is served and satisfied by appropriate court
17 appearance. The local jurisdiction for purposes of the sale, or the
18 state pursuant to subsection (3)(b) of this section, shall confirm
19 the existence of outstanding warrants within seventy-two hours after
20 notification of the application to purchase a pistol or semiautomatic
21 assault rifle is received. The local jurisdiction shall also
22 immediately confirm the satisfaction of the warrant on request of the
23 dealer so that the hold may be released if the warrant was for an
24 offense other than an offense making a person ineligible under RCW
25 9.41.040 to possess a firearm.

26 (5) In any case where the chief or sheriff of the local
27 jurisdiction, or the state pursuant to subsection (3)(b) of this
28 section, has reasonable grounds based on the following circumstances:

29 (a) Open criminal charges, (b) pending criminal proceedings, (c)
30 pending commitment proceedings, (d) an outstanding warrant for an
31 offense making a person ineligible under RCW 9.41.040 to possess a
32 firearm, or (e) an arrest for an offense making a person ineligible
33 under RCW 9.41.040 to possess a firearm, if the records of
34 disposition have not yet been reported or entered sufficiently to
35 determine eligibility to purchase a firearm, the local jurisdiction
36 or the state may hold the sale and delivery of the pistol or
37 semiautomatic assault rifle up to thirty days in order to confirm
38 existing records in this state or elsewhere. After thirty days, the
39 hold will be lifted unless an extension of the thirty days is
40 approved by a local district court, superior court, or municipal

1 court for good cause shown. A dealer shall be notified of each hold
2 placed on the sale by local law enforcement or the state and of any
3 application to the court for additional hold period to confirm
4 records or confirm the identity of the applicant.

5 (6) (a) At the time of applying for the purchase of a pistol or
6 semiautomatic assault rifle, the purchaser shall sign in triplicate
7 and deliver to the dealer an application containing:

8 (i) His or her full name, residential address, date and place of
9 birth, race, and gender;

10 (ii) The date and hour of the application;

11 (iii) The applicant's driver's license number or state
12 identification card number;

13 (iv) A description of the pistol or semiautomatic assault rifle
14 including the make, model, caliber and manufacturer's number if
15 available at the time of applying for the purchase of a pistol or
16 semiautomatic assault rifle. If the manufacturer's number is not
17 available at the time of applying for the purchase of a pistol or
18 semiautomatic assault rifle, the application may be processed, but
19 delivery of the pistol or semiautomatic assault rifle to the
20 purchaser may not occur unless the manufacturer's number is recorded
21 on the application by the dealer and transmitted to the chief of
22 police of the municipality or the sheriff of the county in which the
23 purchaser resides, or the state pursuant to subsection (3) (b) of this
24 section;

25 (v) A statement that the purchaser is eligible to purchase and
26 possess a firearm under state and federal law; and

27 (vi) If purchasing a semiautomatic assault rifle, a statement by
28 the applicant under penalty of perjury that the applicant has
29 completed a recognized firearm safety training program within the
30 last five years, as required by subsection (2) of this section.

31 (b) The application shall contain two warnings substantially
32 stated as follows:

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

38 (ii) CAUTION: The presence of a firearm in the home has been
39 associated with an increased risk of death to self and others,

1 including an increased risk of suicide, death during domestic
2 violence incidents, and unintentional deaths to children and others.

3 The purchaser shall be given a copy of the department of fish and
4 wildlife pamphlet on the legal limits of the use of firearms and
5 firearms safety.

6 (c) The dealer shall, by the end of the business day, sign and
7 attach his or her address and deliver a copy of the application and
8 such other documentation as required under subsections (1) and (2) of
9 this section to the chief of police of the municipality or the
10 sheriff of the county of which the purchaser is a resident, or the
11 state pursuant to subsection (3)(b) of this section. The triplicate
12 shall be retained by the dealer for six years. The dealer shall
13 deliver the pistol or semiautomatic assault rifle to the purchaser
14 following the period of time specified in this chapter unless the
15 dealer is notified of an investigative hold under subsection (5) of
16 this section in writing by the chief of police of the municipality,
17 the sheriff of the county, or the state, whichever is applicable, or
18 of the denial of the purchaser's application to purchase and the
19 grounds thereof. The application shall not be denied unless the
20 purchaser is not eligible to purchase or possess the firearm under
21 state or federal law.

22 (d) The chief of police of the municipality or the sheriff of the
23 county, or the state pursuant to subsection (3)(b) of this section,
24 shall retain or destroy applications to purchase a pistol or
25 semiautomatic assault rifle in accordance with the requirements of 18
26 U.S.C. Sec. 922.

27 (7)(a) To help offset the administrative costs of implementing
28 this section as it relates to new requirements for semiautomatic
29 assault rifles, the department of licensing may require the dealer to
30 charge each semiautomatic assault rifle purchaser or transferee a fee
31 not to exceed twenty-five dollars, except that the fee may be
32 adjusted at the beginning of each biennium to levels not to exceed
33 the percentage increase in the consumer price index for all urban
34 consumers, CPI-W, or a successor index, for the previous biennium as
35 calculated by the United States department of labor.

36 (b) The fee under (a) of this subsection shall be no more than is
37 necessary to fund the following:

38 (i) The state for the cost of meeting its obligations under this
39 section;

1 (ii) The health care authority, mental health institutions, and
2 other health care facilities for state-mandated costs resulting from
3 the reporting requirements imposed by RCW 9.41.097(1); and

4 (iii) Local law enforcement agencies for state-mandated local
5 costs resulting from the requirements set forth under RCW 9.41.090
6 and this section.

7 (8) A person who knowingly makes a false statement regarding
8 identity or eligibility requirements on the application to purchase a
9 firearm is guilty of false swearing under RCW 9A.72.040.

10 (9) This section does not apply to sales to licensed dealers for
11 resale or to the sale of antique firearms.

12 (10) The firearm safety training requirement in subsection (2)(a)
13 of this section does not apply to the sale or transfer of a
14 semiautomatic assault rifle to a person who is a law enforcement
15 officer.

16 **Sec. 3.** 2019 c 244 s 2 (uncodified) is amended to read as
17 follows:

18 (1) Section 1, chapter . . ., Laws of 2020 (section 1 of this
19 act) and section 1, chapter 244, Laws of 2019 expire((§)) June 30,
20 2022, if the contingency in subsection (2) of this section does not
21 occur by December 31, 2021, as determined by the Washington state
22 patrol.

23 (2) Section 1, chapter . . ., Laws of 2020 (section 1 of this
24 act) and section 1, chapter 244, Laws of 2019 expire((§)) six months
25 after the date on which the Washington state patrol determines that a
26 single point of contact firearm background check system, for purposes
27 of the federal Brady handgun violence prevention act (18 U.S.C. Sec.
28 921 et seq.), is operational in the state.

29 (3) If section 1, chapter . . ., Laws of 2020 (section 1 of this
30 act) and section 1, chapter 244, Laws of 2019 expire((§)) pursuant to
31 subsection (2) of this section, the Washington state patrol must
32 provide written notice of the expiration to the chief clerk of the
33 house of representatives, the secretary of the senate, the office of
34 the code reviser, and others as deemed appropriate by the Washington
35 state patrol.

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